

**THE
LEGISLATIVE ASSEMBLY DÉBATES**

(Official Report)

VOLUME VII

FOURTH SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1926



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1926**

THE
LEGISLATIVE ASSEMBLY DEBATES

**(OFFICIAL REPORT OF THE FOURTH SESSION OF THE
SECOND LEGISLATIVE ASSEMBLY)**

VOLUME VII

FIRST VOLUME OF SESSION 1926.

LEGISLATIVE ASSEMBLY.

Wednesday, 20th January, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, being the first day of the Fourth Session of the Second Legislative Assembly, pursuant to Section 63D(2) of the Government of India Act.

**INAUGURATION OF THE FOURTH SESSION OF THE SECOND
LEGISLATIVE ASSEMBLY.**

His Excellency the Viceroy with the President of the Legislative Assembly having arrived in procession, His Excellency took his seat on the dais.

His Excellency the Viceroy: Mr. President and Gentlemen, let me welcome the Members of the Legislative Assembly to the labours of another Session. My usual practice at the beginning of a Session, as you are aware, is to address the Indian Legislature as a whole; but on this occasion the state of business does not warrant the summoning of the Council of State before the end of the first week in February; and in consequence I decided that I would not wait until then, but would arrange to meet the Members of the Assembly on the opening day of their Session and address them. I hope to address the Legislature as a whole later in the Session.

This is the first occasion on which I have addressed you since the election and appointment of your new President; and I take this opportunity of congratulating him on the very important office which he now occupies. He has my best wishes in the exercise of his functions and responsibilities. Let me also observe that he has my understanding sympathy. It may appear to some a light task to discharge these duties with an easy grace;

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but I realise, as I am sure the Hon'ble President has long since become aware, that no task presents more difficulty than to treat all Members sympathetically while displaying partiality to none.

Before passing to other questions I may observe that, anticipating the feelings of this Chamber, and, I believe, the feelings of all sections of the people in India, I sent a message to His Majesty the King-Emperor on hearing of Queen Alexandra's death offering him on behalf of India the deepest sympathy in his loss. Though the people of India were never privileged to see the late Queen Alexandra, I know that precious memories are treasured in India of her gracious actions as Queen-Empress and of her life of active sympathy with suffering humanity in later years. From the many messages which reached me from all quarters in India, I perceived that the news of her death was received with widespread sorrow by the Princes and people of India, and that universal sympathy went out to His Majesty in his bereavement.

I am glad to be able to inform you that friendly relations are being maintained with the Kingdoms of Afghanistan and Nepal and with our other neighbours upon our borders. Nothing has occurred to mar the general tranquillity of the situation with tribes upon our North-West Frontier and steady progress is taking place towards pacification in Waziristan.

I invite the attention of the Members of the Assembly to the interim report of the Indian delegation to the sixth Session of the Assembly of the League of Nations. The report appears to me to be of very special interest not only because of the business transacted at the last meeting of the Assembly of the League but also because the report strives to make clear the special interests of India in the League and the attitude which in the view of our delegates is best calculated to advance those interests and to give India a prominent position in the League. I think Members will welcome the statement in the report regarding the allocation of expenses and of appointments in the Secretariat of the League. A number of the suggestions made will require examination before decisions can be reached in regard to them; but the report is a valuable document, well worthy of study.

As regards internal conditions in India, on the 14th of December last at the meeting of the Associated Chambers of Commerce, I passed in review at some length the general course of trade in the present year and made some observations on trade and industries and the general revenue conditions during the past five years. I need not traverse this ground again; since the war trade and industry, it is true, are suffering in every part of the world; but let me again express my conviction, based on a very careful scrutiny of conditions and I believe free from any undue optimism, that the change for the better in the past five years in India has been radical, the new tendencies appear to me to be salutary and conditions in my view are settling down to a stable situation favourable to slow but sure general progress in the course of trade and industry. In a vast country of the size of India and Burma, it is only rarely that seasonal conditions can be uniformly favourable to the operations of agriculture in every Province; and in the past season they have not been favourable everywhere; but there is no cause at present for general anxiety, though any conditions affecting agriculture prejudicially must always command very close attention, as it is the staple industry of the country.

When I last addressed you, I made some observations regarding agriculture, the research work conducted by the Central Government and the activities of the Provincial Governments and the need for co-ordination of all efforts connected with this great all-India interest. Since then Government of India have been in communication with the Secretary of State who has always shown the greatest interest in agricultural problems in India and the Provincial Governments upon this important question; and after discussion with the Provincial administrations, I and my Government have made concrete proposals to the Secretary of State which His Majesty's Government have been pleased to accept and which I will now announce.

In our examination of the problem it appeared clear that striking progress had been made in recent years in promoting the science of agriculture and introducing improvements, and that both the central institutions in charge of the Government of India and the Departments in the Provinces under the charge of Local Governments and their Ministers had every reason to be proud of the results of their activities and the sum total of their achievements. Nevertheless it seemed to be beyond dispute that in view of the great importance of the industry to India and of the large numbers of the population engaged in it, there was room for even greater and more extensive co-ordination of effort towards agricultural improvement. It would be clearly wrong to leave any possible step untried in making available to those concerned in the industry the fruits of the latest scientific and practical knowledge. Nothing which held out any promise of amelioration in conditions should obviously be left unexplored. It cannot be gainsaid that the average standard of production and the general level of rural welfare in India is lower than that prevailing in other countries where for some time past there has been marked concentration on agricultural problems. Agricultural practice also in many parts of India is admittedly still backward and primitive and the bulk of the agricultural population is generally unversed in methods of improvement found successful elsewhere. The situation evidently called for a remedy of a comprehensive nature; and measures for strengthening and expanding activities by co-ordination and for examining methods of applying the results of experience in other countries to the solution of our agricultural problems in India were patently required. We arrived at the provisional conclusion that it was unlikely that a Central Board of Agriculture in India could carry out the precise objects which must fall within the scope of such an inquiry; the latter to be successful must embrace a review of all the activities of the Central and Local Governments in connection with agriculture and scrutinise conditions from a new angle of view. It appeared to me and my Government that the requirements of the situation could only be met by the appointment of a Royal Commission, so constituted as to include members from outside India possessing knowledge and experience of agriculture in other countries together with members from India with local knowledge of agriculture and rural economy and in full sympathy with the Indian agricultural population.

The Secretary of State expressed sympathy with our provisional views and authorised us to consult Local Governments regarding the appointment of a Royal Commission and seek their advice regarding terms of reference. As regards the latter, the scope of the inquiry was a question of considerable importance. There was no intention to interfere with the control of the Local Governments over the subject of agriculture which in most of its aspects is both provincial and local in character. The object in view was to supplement, not to curtail, local activities. Draft terms of reference were accordingly circulated.

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discussion which kept those essential points in view, while enabling a Commission to make recommendations which would be of value to the Ministers responsible for the administration of agriculture in the Local Governments as well to the Central agencies connected with agricultural research under the Government of India. Another class of subjects also entered into our consideration, during the examination of suggested terms of reference, in which Local Governments were primarily and directly interested and which had in a sense a definite connection with rural conditions. These subjects included questions connected with land-ownership and tenure, rates of land-revenue assessments and irrigation charges. It appeared undesirable and unnecessary to invite a Commission, primarily devoted to examination and report regarding agricultural improvement, to burden their inquiry by exploration into these subjects for the purpose of making recommendations regarding them.

The Local Governments' replies showed substantial agreement on the question of the necessity for the appointment of a Royal Commission and on the scope of the inquiry and the questions to be included in the terms of reference. In addressing the Secretary of State we also advised that the Commission be instructed to place themselves in communication with the Local Governments in their visit to a Province and to carry on their investigations and to take evidence in close consultation with the Ministers responsible for agriculture, the co-operative movement and the other subjects coming under their consideration, and we made in addition some subsidiary explanations of the questions which in our view fell within the purview of the terms of reference we suggested. His Majesty the King-Emperor on the advice of his Secretary of State has now approved the appointment of a Royal Commission the purpose of which has to-day been announced in the following terms:

“ Generally—

to examine and report on the present conditions of agriculture and rural economy in British India and to make recommendations for the improvement of agriculture and the promotion of the welfare and prosperity of the rural population;

and in particular, to investigate—

- (a) the measures now being taken for the promotion of agriculture and veterinary research, experiment, demonstration and education, for the compilation of agricultural statistics, for the introduction of new or better crops and for improvement in agricultural practice, dairy farming and the breeding of stock;
- (b) the existing methods of transport and marketing of agricultural produce and stock;
- (c) the method by which agricultural operations are financed and credit afforded to agriculturists;
- (d) the main factors affecting rural prosperity and the welfare of the agricultural population and to make recommendations.

It will not be within the scope of the Commission's duties to examine the existing system of land-ownership and tenancy, or of the assessment of land-revenue and irrigation charges, or the existing division of functions between the Government of India and the Local Governments. But the

Commission shall be at liberty to suggest means whereby the activities of the Government of India may best be co-ordinated and to indicate directions in which the Government of India may usefully supplement the activities of Local Governments."

The *personnel* is receiving the attention of the Secretary of State and will be announced later.

In my view this decision embodies a measure of cardinal importance in the interests of the premier industry of India and of its people, the great majority of whom live directly by agricultural operations or by occupations connected with the disposal of agriculture produce. The purpose it has in view, I feel sure, will commend itself to every class and creed and to all shades of opinion in this country. Its mission is wholly beneficent. It can bring nothing but advantage to the country as a whole and to those classes of the people whose interests must always be of supreme importance to both the Central and Provincial Governments. If it results, as I trust it may, in bringing to many thousands of homes a somewhat greater share in the wealth of this world, a higher degree of comfort and self-respect and a better basis for self-improvement and progress, I and my Government will be amply rewarded for our part in bringing it into existence.

Let me now turn to a question which I know is uppermost in the minds of the Members of the Legislature and which is causing me and my Government most anxious thought. I need not recapitulate the whole situation as regards the position of Indians in South Africa, but I may observe that out of the total number of the Indian community in South Africa, about one-third, approximately 102,000, are South African born and are the descendants of indentured labourers in Natal who were permitted to settle in the country on the expiration of their indentures. These people have made South Africa their home. I need not refer at length to the disabilities which have been imposed upon Indians in South Africa and are already in existence. They are of a serious and varied nature and embrace galling social disabilities, restrictions on the acquisition of political and municipal franchise except in the Cape, regulations regarding inter-provincial movements, licensing laws and restrictions on the acquisition of land. There has been continuous progress in legislation in South Africa prejudicial to the position of Indians and tending to make it increasingly difficult for them to prosper or even to exist in the Dominion. Against this legislation, my Government has made repeated representations with varying degrees of success. In reply to an address recently presented to me by a deputation from South Africa I have dwelt on the representations made by my Government regarding past legislation in some detail and I need not traverse this part of the history again.

In addition to these disabilities, further anti-Asiatic legislation has been recently introduced and is now pending before the Union Parliament. The purpose of this legislation is to empower urban authorities compulsorily to segregate Indians and to confine their rights of trading and of acquiring property to the limits of the areas assigned to them. The Bill also contains further restrictive provisions regarding the acquiring or leasing of land outside the coastal belt in Natal, immigration, importation of wives and families and inter-provincial movements. The principle of segregation is not new. It was recognised by a Transvaal Act of 1885, but it was not rigidly applied. Such locations as arose as a result of that Bill led the Asiatic Committee to condemn the compulsory principle. Indian sentiment has always been strenuously opposed to compulsory segregation as inflicting a racial stigma.

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It is felt to be a breach of the Smuts-Gandhi agreement and a repudiation of a policy believed to have been established consequent on the recommendations of the Asiatic Enquiry Committee. The principle has been denounced by the Government of India; and in Kenya, His Majesty's Government have decided that it is not to be applied in townships. The Bill therefore contains what appears to my Government to be a radically objectionable principle; and the existing aversion to this policy has been intensified by the statement of Dr. Malan in introducing the Bill in the Union Assembly last July when he said that the measure was based on the general proposition that the Indian was an alien element in the population of the Union, and that no solution of the question would be acceptable unless it resulted in a very considerable reduction of the Indian population.

I and my Government have kept His Majesty's Government in continuous and close touch with our general views regarding the position of Indians in the Union and this Bill in particular and with the strength of the feeling which the general disabilities imposed on Indians in South Africa and this measure in particular have evoked; we have also made it clear that we fully sympathise with the sentiment which all classes in India have expressed on these questions.

Since April last we have been in continuous correspondence with the Government of the Union regarding this legislation and communications are still passing, we have repeatedly pressed upon them the suggestion that the situation in our view calls for a Conference as regards their general policy towards Indians; in the alternative we invited them to make other suggestions likely to result in a permanent and satisfactory settlement. The Union Government have not found themselves able to agree to our proposals for a Conference, although they seemed inclined to agree to a Conference restricted to the consideration of a more effective repatriation scheme which in their words will result in "a considerable reduction of the Indian population in South Africa" and to proposals for the mitigation of economic competition between Indians and other classes in South Africa and they asked us to formulate concrete suggestions regarding the latter. We could not accept a Conference whose main object would be to reduce considerably the numbers of Indians in South Africa. We were however prepared to consider the possibility of smoothing any difficulties that may have been found in their existing scheme of purely voluntary repatriation and to make suggestions regarding vocational employment when we had sufficient data; but we asked for assent, before entering upon any discussion about voluntary repatriation or making suggestions regarding competition, to our sending a deputation to South Africa to collect information regarding the economic and general position of Indians in the Union. On November the 10th the Union Government acceded to this request and we forthwith despatched our deputation, the purpose of which has been announced and published. In sending the deputation, the immediate object we had in mind was the collection of information urgently required by us and we still kept in view the possibility of a Conference to which we attach the greatest weight. Some criticism was at first directed in India to the despatch of our deputation. This was chiefly based on the fact that news of the visit of a deputation of Indians from South Africa was received about the same time; but in fact our decision to send a deputation was reached long before the arrival of the first news

-of the deputation from South Africa which only came to us in a Reuter's telegram on November 19th just before it sailed. It was obviously desirable for us to take immediate advantage of the assent of the Union Government to the visit of our deputation. We desired in the first place to lose no time in collecting information which would enable us to deal with the suggestions of the Union Government. We were faced besides with this critical situation that it was contemplated in South Africa to proceed at an early date in the new year with this Bill; it was therefore essential that we should at once take steps to put ourselves in possession of facts which would enable us to make effective representations before the Bill passed to the second reading stage and became accepted in principle. The interim reports received from the deputation have given us valuable information; and the deputation has collected facts which have been most useful to us in our representations and may assist in suggesting eventually a basis for fresh proposals. We still do not despair of persuading the Union Government that there is the strongest ground for a Conference or in the alternative for an inquiry before further Parliamentary steps are taken in regard to the pending legislation. The deputation had to be hurriedly despatched; this was inevitable in the circumstances; and I cannot too highly commend the expedition with which the members left India at very short notice and got to work on their task at a crisis when a delay of a few days even was a matter of very great moment. Dr Abdur Rahman's deputation is engaged on a different task and is putting the cause of Indians in South Africa before the Government and the people of India on behalf of the section of public opinion in South Africa which it represents. Its purpose is not therefore identical with the object of ours. Moreover, the deputation from South Africa has been able to supply me and my Government with facts of considerable importance and to explain points which, in the absence of local information, may previously have been imperfectly appreciated or understood.

The whole question at the moment is at the stage of negotiation. Bear in mind that in our attitude towards the position of Indians in South Africa and to the principle of the latest legislation, I and my Government are at one with the general feelings in India. You may have confidence that we are striving our utmost to find a basis of discussion with the Union Government before the latter are committed to the principle of the Bill. The question has now to be dealt with in South Africa; and it must be remembered that the Government and the Ministry of the Union are responsible to their electorate; and that this legislation is regarded by them as domestic in its character. We have never doubted the right of South Africa to guide the course of their own domestic and economic legislation; but in our view there are far wider considerations involved in this legislation than local economic policy alone. In our opinion they have an important bearing upon the Empire as a whole. The proposed measures are not in our view in accordance with those principles which bind the Empire together in community of sentiment, and we hope that this aspect of the proposals may yet commend itself to South African opinion. Even on the narrower issue of economic necessity we believe, from the information now received by us, that the situation may be capable of adjustment in other ways. Our negotiations are still proceeding and we shall continue to press our views to the utmost of our ability. We cannot say whether we shall succeed in our endeavour: but I hope that a cause which, as it appears to me, has reason and equity on its side will ultimately prevail. Mean-

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while I rely on the Legislature to give me and my Government their confidence and support in a question upon which they are aware that our sentiments are agreed, and especially to remember, as I gratefully acknowledge they have hitherto borne in mind, that we are still in the course of negotiation with the Government of the Union in whose hands the initiative in conducting their own legislative programme lies. The principle of the Bill has not yet been finally accepted, and I hope that a basis of discussion with the Union Government may be arrived at which will give opportunity of stating and proving our case before any question arises of proceeding with that stage of the legislation.

To-day I shall refer to a few only of the many questions about to engage your attention during this Session.

The abolition of the cotton excise duty has always excited the lively interest of the Indian Legislature and naturally because all shades of opinion in India are agreed as to the necessity for the abolition of the duty. My Government have always stood by the pledge given by Lord Hardinge that the duty would be abolished when financial considerations rendered this action possible. When this Assembly again discussed this question last September and passed a Resolution in favour of the suspension of the duty with full cognisance that suspension would involve abolition, my Government were not prepared on the insufficient data regarding the financial situation available at that time to commit themselves to action which must be followed by the abolition of the duty in the ensuing budget. By the end of November, however, when the prospects of the year were more fully declared and more detailed estimates were available of financial probabilities, it appeared to my Government that no serious financial risk would be incurred by suspending the duty, and I took steps forthwith by the issue of an Ordinance, bearing in mind the desire expressed by the Chamber in their Resolution of September last, to suspend the levy and collection of the cotton excise duty with effect from the 1st of December; at the same time I announced that it was the intention of my Government, unless the financial position disclosed in the budget estimate for next year substantially failed to confirm anticipations, to place before the Legislature at the next Session proposals for the abolition of the duty. It has been asserted that my Government could not accept immediately the proposal of the Assembly in September because the Secretary of State was opposed to it. There is no foundation for this statement. The decision was that of my Government based upon financial considerations only. The proposal to suspend was not submitted to the Secretary of State until November when we had more reliable data upon which to base our conclusions. As regards the issue of the Ordinance suspending the duty, I may explain that I held myself entitled to pronounce that an emergency justifying its issue had occurred because of grave difficulties confronting the cotton industry at the time, because of the pledges given by my Government to do away with the duty at the earliest moment financial considerations permitted, and because of the views in favour of early action so clearly expressed in this Chamber in the September Session. It is a source of satisfaction to me to have been able to take the first step towards the elimination of an impost which public opinion in India has so universally condemned. It will rest with the Legislature to give sanction to its permanent disappearance. From the course of the September Debates,

I and my Government understand that the Assembly have approved of the principle that the abolition of the excise duty should take precedence over the remissions of Provincial contributions. I mention this point that there may be no misconception as regards the consequence of the action of the Assembly.

From my discussions on legal affairs while I have been in India, I have been greatly impressed with the very high regard and esteem in which the Judicial Committee of His Majesty's Privy Council are universally held in this country in connection with their Indian appellate work. Full credit for this public opinion is due in no small measure to the two distinguished Members of that Committee who have brought their experience and knowledge of Indian law to bear upon the problems submitted to them. I and my Government share the general opinion of the very valuable services rendered to India by these two Members of the final Court of Appeal; and we desire to ensure that India shall continue to benefit in the future from a system the advantages of which have been so unmistakably demonstrated. In order to perpetuate the benefits of the scheme it is desired in future appointments to secure persons from India of eminent qualifications as regards knowledge and experience of Indian law and practice. It is necessary to offer adequate emoluments in order to obtain men of this capacity: and it is suggested that in future appointments the emoluments of the two Members shall be fixed at £4,000 each per annum, half of which shall be a charge on Indian revenues. During the period that the salary is paid, any annual pension payable to these persons from Indian revenues shall lapse. Proposals which follow the lines I have mentioned will be put before you during the Session; and if they are approved, the future steps necessary to give effect to them will be taken without delay. I believe that the proposals will give India most valuable judicial facilities at a cost which is small in proportion to the admitted benefits to be enjoyed under it.

The Assembly have always taken a lively interest in our railway policy. In my recent review of the general conditions of Trade and Commerce in India I was able to show the very satisfactory results which have arisen from the re-organisation of the Railway Department and the separation of the Railway from general finance. I have previously expressed my appreciation of the same view taken by the Indian Legislature in regard to those changes which have been amply justified by the results. I am glad to be able to inform you that the Railways have been able satisfactorily to consolidate their financial position, and it has become possible to make a beginning in the direction of reducing rates and fares; concrete proposals are under consideration which it is hoped may shortly be put into effect. It is also now possible to take up another of the recommendations of the Acworth Committee and to establish some form of rates tribunal to adjudicate upon disputes between Railways and the public on questions of rates and fares levied. A Rates Advisory Committee will be set up for the purpose of investigating complaints of this nature and of reporting to Government upon them. The *personnel* of the Committee is now under consideration and it is hoped that the Committee will commence their duties at an early date.

Gentlemen, you will doubtless remember that when I last addressed the Legislature I laid special stress upon the important pronouncement of Lord Birkenhead in the House of Lords, which followed the series of

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Conferences between him and me. I then dwelt upon the message of sympathetic encouragement the Secretary of State, speaking on behalf of His Majesty's Government, had sent to India. I endeavoured to convey to the Legislature the impressions I had formed during my visit to England, and to reproduce to them the sentiments of friendship and goodwill that prevailed among the British people generally, and among all political parties in the Imperial Parliament. I strove on my return from England to persuade the political leaders of India to grasp the hand of friendship and goodwill held out to them and to abandon the attitude of threat or menace. I sought to convince them that this was the surest and the quickest way for India to travel along the road to her ultimate aims and aspirations. I asserted my own emphatic opinion to this effect as the result of observation during my stay in London. I quoted the Secretary of State's words, and they are worth repetition. He said:

"We desire and request goodwill; nor shall we be niggardly bargainers if we meet with that generous friendship which is near and dear to our hearts."

In order to refresh your memories, let me quote one passage from my own speech in August last, when I was referring to the possibility of the appointment of a Commission earlier than 1929, and after I had shown that His Majesty's Government did not attach special sanctity to the year 1929. I then said:

"The re-examination of the Constitution may take place at any time not later than 1929, when the British Government are persuaded that there has been genuine co-operation of the responsible Indian political leaders in working the existing Constitution, and when sufficient experience of these new, and still largely untried, conditions has been gathered to form the basis of a considered judgment and to enable proposals for the future to be made with some confidence."

I had hoped that the leaders of Indian political thought might seize the opportunity afforded to them by the attitude of Government, that they might elect to comply with the request made and might thus pave the way for an earlier appointment of the Statutory Commission and for the inception of a new era in political relations between India and Government. Whilst I fully understood and acknowledged the exigencies of political parties and the difficulties confronting political leaders, I yet hoped that conclusion would be reached and that action would be taken which would change the political atmosphere and lead to better understanding between India and the British people. It appeared to me that this was the golden moment for various sections of political opinion of India to combine in furtherance of the common purpose of advancing the interests of India by laying a surer foundation for her future relations with the British Government and people. But to my great regret I must confess that the realisation has fallen short of the extent of my hopes. So far, the appeals made with the object of promoting harmony and concord have failed to evoke that clear and definite response from India which should have been unmistakable in its manifestations and have left no room for doubts or ambiguities. A more generous response would, I feel sure, have evoked generous action. The heart of Britain would have been won by immediate and sympathetic acceptance of the advances she had made and a new situation would have been created based upon mutual trust and goodwill. I shall refrain from discussing the various currents of Indian political thought that have found expression in diverse directions since

I last addressed you. I desire to avoid comment that might possibly accentuate differences between political parties and Government. Yet I must speak my personal opinion with frankness. A study of the various speeches and of numberless press articles has led me to regret the more that there should be such hesitation in plainly recognising and accepting the new situation to which Government's invitation pointed. As I have indicated, I had cherished the thought that the attitude of Government would have made more cogent appeal to the generous minds of India. But it would appear that the opportunity is not to be seized; it is to be allowed to lapse, and indeed, in some quarters, I gather, that the intention, as at present expressed, is to reject it. And yet I believe that there is already the beginning of the growth of better relations. I wish the evidence had been more marked; but nevertheless, I think I have discerned it, and I deem it fair to state, as I have already acknowledged on previous occasions, that there is some improvement in the general attitude, some change in the tone and temper of politicians towards Government. Here again, I wish it had been more definite and unmistakable and also more general. Although the Government in the last Session of the Assembly was opposed and defeated on various occasions, yet there was to my mind a greater disposition manifested to consider problems on their merits and to discard purely obstructive tactics. I have examined most carefully the debate of last September on the Government Resolution relating to the Muddiman Committee Report, and have studied the terms of the amendment passed by this Assembly. Whilst I willingly recognise that some individual opinions were expressed suggestive of a desire to meet Government's advance, the language of the Resolution seems to admit of no doubt as to the intentions of those who supported it by their vote. Possibly ingenious minds may discover here or there in the formula adopted some evidence of disposition to accept the invitation. But I must reluctantly confess that scrutinising these terms with the desire to regard them as favourably as possible, I cannot find the desired encouragement to those who, like myself, were seeking evidence of greater co-operation and good-will.

There is however yet time for a more satisfactory response. In the ensuing Session, as the proceedings of this Assembly develop, I trust there may be found a clear manifestation of an attitude as generous and as well-intentioned as I verily believe was that which prompted the appeal. I shall continue to watch events here and throughout the country with deep interest, and it is my earnest prayer that the hopes, to which I still cling, may not be disappointed, and that a new era may dawn in Indian progress—an era of more sympathetic understanding, more widespread trust and more universal good-will.

LEGISLATIVE ASSEMBLY.

Thursday, 21st January, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, and the President (the Honourable Mr. Vithalbhai Javerbhai Patel) took the Chair.

MEMBERS SWORN.

Lieutenant-Colonel Francis Charles Owens, M.L.A. (Burma: Nominated Official); Mr. Hubert Calvert, C.I.E., M.L.A. (Punjab: Nominated Official); Mr. Everard Reginald Neave, M.L.A. (United Provinces: Nominated Official); Khan Bahadur Afzalur Rahman, M.L.A. (Bengal: Nominated Official); Mr. John Thomas Donovan, M.L.A. (Bengal: Nominated Official); Mr. Walter Frank Hudson, C.I.E., M.L.A. (Bombay: Nominated Official); Mr. Harold Anslem Bellamy Vernon, M.L.A. (Madras: Nominated Official); Mr. Kashinath Shriram Jatar, C.I.E., M.L.A. (Central Provinces: Nominated Official); Mr. Walter Stuart James Willson, M.L.A. (Associated Chambers of Commerce: Nominated Non-Official); U. Tok Kyi, M.L.A. (Burma: Non-European); U. Hla, M.L.A. (Burma: Non-European); Mr. Sadasheo Dhundiraj Talatuley, M.L.A. (Central Provinces: Landholders); and Lala Lajpat Rai, M.L.A. (Jullundur Division: Non-Muhammadan).

QUESTIONS AND ANSWERS

PROSCRIPTION OF THE *INDUSTRIAL AND TRADE REVIEW FOR INDIA* PUBLISHED IN BERLIN.

1. ***Mr. C. S. Ranga Iyer:** (a) Is it a fact that the monthly magazine *Industrial and Trade Review for India* published in Germany is proscribed under the Sea Customs Act?

(b) Who is the editor of this journal and who are its Indian contributors?

(c) On what grounds was the journal proscribed?

(d) Were the Government of India instructed to proscribe it by the India Office?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) The Government of India have no information in regard to the contributors. In the issue of January 15th, 1925, the names of the editors were given as A. Hussain and A. C. Nambiar.

(c) The review has been prohibited entry into India under the Sea Customs Act on the ground that its circulation in India is contrary to the public interest.

(d) No.

REPORT OF THE BRITISH LABOUR WOMEN'S DELEGATION TO SOVIET RUSSIA.

2. ***Mr. O. S. Ranga Iyer:** (1) Has the attention of the Government been drawn to the report of the British Labour Women's delegation to Soviet Russia?

(2) Will the Government be pleased to lay on the table a copy of the said report?

(3) Are the Government aware that the report says that the workers no longer had to do night work and they seemed to appreciate particularly their summer holiday with pay?

The Honourable Sir Bhupendra Nath Mitra: The answer to all three parts of the question is in the negative.

APPOINTMENT OF FEMALE WARDERS IN JAILS FOR ACCOMMODATING FEMALE PRISONERS.

3. ***Mr. Devaki Prasad Sinha:** (a) Is it a fact that in the jails in the territories directly under the control of the Governor General in Council women convicts who have to be locked into prisons have to submit to an examination of their garments and their body like all men convicts?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state whether such examination is conducted by a man or by a woman?

(c) Are any women employed in the jails for looking after the female prisoners? If not, do Government propose to appoint female warders for jails in which women are imprisoned?

The Honourable Sir Alexander Muddiman: The information is being collected and will be supplied to the Honourable Member in due course.

REPORTS OF THE ECONOMIC INQUIRY AND EXTERNAL CAPITAL COMMITTEES.

4. ***Mr. Devaki Prasad Sinha:** (a) What steps do Government propose to take on:

(i) the Report of the Economic Inquiry Committee,

(ii) the Report of the External Capital Committee?

(b) Do Government propose to appoint a Committee to inquire into banking facilities in India? If so, when, and what would be its personnel?

REPORT OF THE ECONOMIC INQUIRY COMMITTEE.

125. ***Mr. Chaman Lal:** Will the Government state what action they propose to take in regard to the Economic Inquiry Committee's Report?

RECOMMENDATIONS OF THE EXTERNAL CAPITAL COMMITTEE.

101. ***Mr. Kumar Bhanu Ray:** Will the Government be pleased to state what steps they propose to take to give to the recommendations of the External Capital Committee?

REPORT OF THE EXTERNAL CAPITAL COMMITTEE.

246. *Khan Bahadur Sarfaraz Hussain Khan: (1) Have Government considered the Report of the External Capital Committee, 1925?

(2) If so, will they please state if they have accepted all or only some of the recommendations made by it?

(3) If they have accepted only some, will they please state which of the recommendations they have accepted?

REPORT OF THE ECONOMIC INQUIRY COMMITTEE.

323. *Khan Bahadur Sarfaraz Hussain Khan: (a) Have Government considered the Report of the Indian Economic Inquiry Committee 1925 and arrived at a decision?

(b) If so, will they please communicate their decision to the House?

(c) In view of the importance and complexity of the problems, as pointed out in the summary of conclusions and recommendations and Appendix B of Volume 1 of the Report, do Government propose to consult the Assembly before taking steps to inaugurate a wider inquiry?

The Honourable Sir Basil Blackett: I propose to answer questions 4, 125, 201, 246 and 323 together.

The Government have addressed Provincial Governments as regards the further action to be taken on the Reports of both the Committees. I am afraid I shall not be in a position to give a detailed reply on the subject until those replies have been received and considered.

LABOUR LEGISLATION IN INDIA.

5. *Mr. Devaki Prasad Sinha: (a) Has the attention of Government been drawn to an article on Labour legislation in India, written by Lady Chatterjee in the *Asiatic Review* of September or October 1925? If so, what steps do Government propose to take to give effect to the suggestions contained therein?

(b) How many prosecutions have taken place under the Indian Factories Act since that Act has been on the Statute-book? How many industries or factories have been exempted from the operation of certain clauses of the Indian Factories Act?

(c) How many Indians are employed as Inspectors of Factories in each of the provinces of India? What steps do Government propose to take for the Indianisation of the service?

(d) Is it a fact that not a single woman is employed as a Factory Inspector, even where there is a large number of women employed in underground work? When do Government propose to employ women as Factory Inspectors?

(e) Are Government aware that the Iron and Steel Factory at Jamshedpore, contrary to the provisions of the Indian Factory Act, never grants a weekly holiday to its employees? If so, has any step ever been taken to prosecute the employers for this breach of the law?

(f) Do Government propose introducing some form of Truck Act for India?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. Many of the suggestions, including those on which the Honourable Member has based parts (b), (c) and (d) of his question, relate to matters which are not primarily the concern of the Government of India. If the Honourable Member will indicate more precisely the points on which he requires information, I shall endeavour to provide it.

(b) The number of persons convicted during the years 1894 to 1924 is 2,380. The number of factories in which the majority of operatives are exempted from the provisions of certain sections was, in 1924, as follows:

Sec. 21	...	...	...	1,458
Sec. 22	...	...	...	1,474
Sec. 27	...	...	...	1,096
Sec. 28	...	...	...	45

(c) So far as the Government of India are aware, there are 15 Indian Inspectors of Factories. As the appointments are made by Local Governments, the Indianization of the service is not primarily the concern of the Government of India.

(d) The answer to the first part is in the negative. The Government of India understand that there is one lady inspector of factories, employed by the Bombay Government. The question of the further employment of women as inspectors is primarily the concern of Local Governments.

(e) So far as the Government of India are aware the provisions of the law are not infringed by the Iron and Steel Factory at Jamshedpur.

(f) The Honourable Member is referred to the answer given to Khan Bahadur Sarfaraz Hussain Khan's question No. 233, on 26th January, 1925.

ESCAPE FROM INDIA OF TWO AMERICAN PRISONERS.

6 ***Mr. C. S. Ranga Iyer:** (i) Is it a fact that the two Americans, H W. McWilliam and E L Sheehy, were convicted and sentenced for committing a brutal and unprovoked assault on a respectable Indian gentleman at Murree?

(ii) Is it a fact that they escaped?

(iii) How did they manage to escape?

(iv) (a) Did the convicts leave India by the S.S. "Geneva"?

(b) If yes, did the Government grant them passports?

ESCAPE FROM INDIA OF TWO AMERICAN PRISONERS.

20 ***Mr. Gaya Prasad Singh:** With reference to my starred question No. 993 of the 16th September, 1925, will the Government be pleased to say if the two American convicts who were sentenced in the Murree assault case, but escaped out of this country, have been arrested; and what punishment has been meted out to those who were responsible for their escape?

ESCAPE FROM INDIA OF TWO AMERICAN PRISONERS.

128. ***Mr. Chaman Lal:** (a) Will Government kindly state whether they have any information regarding the present whereabouts of the Americans who were the accused in the Murree assault case?

(b) Will Government state the names of the authorities who were responsible for granting passports to those Americans?

(c) Will Government state if these passports were in order?

(d) Will Government state if the bail application of those Americans was opposed by the Public Prosecutor?

(e) Will Government state if the fact that those Americans were about to abscond was brought to the notice of any of the officials?

(f) Has any protest been lodged with any of the consular authorities who gave visas on the passports of those Americans?

ESCAPE FROM INDIA OF TWO AMERICAN PRISONERS.

175. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the Government reply to the second supplementary question to starred question No. 983 asked in the meeting of the Legislative Assembly held on 16th September, 1925, regarding the escape from India of two Americans sentenced to imprisonment in the Murree assault case, will Government please state who the police officers were who were responsible for allowing the culprits to get out of this country without their knowledge?

ESCAPE FROM INDIA OF TWO AMERICAN PRISONERS.

202. ***Baba Ujagar Singh Bedi:** (a) Have the Government seen an article in the *Tribune*, dated 3rd December, 1925, with regard to certain questions which were asked in the Punjab Legislative Council in connection with two American convicts who assaulted Rai Sahib Beshashar Nath, at Murree, and were convicted by the court and who, while on bail in the Sessions Court, absconded and sailed away from India?

(b) What diplomatic action, if any (as was assured by the Honourable Sir John Maynard, in the Punjab Legislative Council, according to the *Tribune*, dated 3rd December, 1925), have the Government taken or propose to take to get back or rearrest these assailants and absconders to vindicate law and justice?

(c) Do Government propose to inquire from the American and Italian Consuls respectively in India, the granters of the passports in this case (as was stated by Sir John Maynard in the Punjab Council, according to the *Tribune* of 3rd December, 1925), whether or not they were acquainted with or alive to the fact that these two persons to whom they issued the passports, were convicted in the Rawalpindi District and were at large on bail granted by the Sessions Court, while a case was pending against them?

(d) What action do Government propose to take for the future to prevent the recrudescence or the repetition of this sort of evasion by such convicts of foreign countries?

The Honourable Sir Alexander Muddiman: With your permission, Sir, I propose to reply to questions 6, 20, 128, 175 and 202 which deal with the same subject in a single reply.

These two Americans received neither passports nor visas from any British authority. They presumably possessed American passports, but the Government of India have not made any inquiries from the Consular authorities and do not consider it necessary to make such inquiries, as under the existing law no passport is required in order to enable a person to leave India. The men left India on an Italian ship bound for Italy and

The Government of India requested the Secretary of State of the occurrence by telegram as soon as they heard of it and asked him to take such action for the arrest of the men as was possible. His Majesty's Ambassadors at Rome and Washington were instructed to ascertain whether it would be possible for the Governments of Italy or the United States of America to arrest the absconders and bring them to justice, but the extradition treaty with neither of these countries covered the offence of causing grievous hurt, and the Secretary of State intimated that no further steps to apprehend the men could be taken unless they were found in British territory. The Government of India asked that a careful watch should be kept in case the men proceeded to America *via* England or Gibraltar and the Secretary of State addressed both the Home and Colonial Offices in the matter. All possible steps therefore were taken by the Government of India to have the men arrested, but I regret without result.

2 I need only add that these men were on bail and that it is not usual for such persons to be placed under police surveillance, so that the police were in no wise responsible for their failure to surrender to their bail. A case of this kind has, so far as I am aware, never occurred before, and it did not apparently occur to the local authorities that special precautions might be necessary. The accused had been on bail while under trial in the Magistrate's Court and though the original application for bail after conviction was opposed, that opposition was withdrawn. I must, however, entirely repudiate the suggestion contained in one of the questions that any official had the slightest knowledge of the intention of these men to abscond. The action of the local authorities is mainly a matter for the consideration of the Local Government and the Government of India do not propose to issue any general orders in regard to it.

Mr. Ohaman Lall: Is the Honourable Member aware, Sir, that the official in charge, *i e*, the Deputy Commissioner, Rawalpindi, was actually informed that these persons were about to abscond and whether he took any action or not?

The Honourable Sir Alexander Muddiman: That is an entire falsehood, Sir, according to my information.

Mr. Ohaman Lall: May I ask the Honourable Member, Sir, if he took any steps to obtain any statement from the gentleman who informed the Deputy Commissioner?

The Honourable Sir Alexander Muddiman: I have not taken any steps because I do not believe in the allegation. If the Honourable Member will give me the name of anybody who informed the Deputy Commissioner, I will have inquiries made.

Mr. Ohaman Lall: Will the Honourable Member withdraw his remarks that it is an entire falsehood?

The Honourable Sir Alexander Muddiman: As far as the information in my possession goes—information obtained after all with due care and consideration—I repeat my remarks that there was nothing in the papers before me to show that there is the slightest justification for such a statement.

Mr. Ohaman Lall: Does the Honourable Member think that he has considered the question with due consideration without having made inquiries from the person who makes the allegation?

The Honourable Sir Alexander Muddiman: I am not aware of the allegation. I have no information that anybody made the allegation. I have made inquiries from the proper source which is open to me, and that is the Deputy Commissioner himself.

Mr. Chaman Lal: Is it not the Honourable Member's business to find out who makes the allegation?

The Honourable Sir Alexander Muddiman: I have never heard of the allegation before. If the Honourable Member will let me know the name of the person, I will have inquiries made.

Mr. Chaman Lal: The allegation is in this question.

The Honourable Sir Alexander Muddiman: If the Honourable Member will give me the name, I will have inquiries made. (*An Honourable Member.* "Give him the name")

Mr. Chaman Lal: The man himself who was the assaulted person. They know the name perfectly well. The assaulted person himself, Sir.

INDENT FOR PLANT FOR THE ELECTRIFICATION SCHEME ON THE GREAT INDIAN PENINSULA RAILWAY.

7. ***Mr. T. O. Goswami:** (a) Is the report in the *Statesman* (Town edition, 20th October 1925), that a contract worth five million pounds, in connection with the electrification scheme for the Great Indian Peninsula Railway, has been placed in England, correct?

(b) If so, will Government be pleased to state:

(i) Whether tenders were called for in India, in England, in Continental Europe and in America;

(ii) Names of important firms which responded to the call for tenders;

(iii) The lowest tender received;

(iv) The name or names of firm or firms which has or have been given this contract;

(v) The reason for preference?

(c) Are any commissions received by either (i) any agent of the Railway, or (ii) any one in the Government of India or in the Secretary of State's Office or (iii) any intermediary, in respect of transactions of this kind, whether legally or extra-legally? If so, on what basis, if any?

(d) Which is the final authority for sanctioning contracts of this kind?

The Honourable Sir Charles Innes: The newspaper report referred to by the Honourable Member is not correct. The Government have ascertained that an indent for plant required in connection with the electrification of the Great Indian Peninsula main line from Bombay to Igatpuri and from Kalyan to Poona has recently been transmitted by the Great Indian Peninsula Railway to the London Stores Department. In the circumstances (b) in the Honourable Member's question does not arise. The answer to (c) is 'No', and to (d) the Government of India.

**APPOINTMENT OF A CIVILIAN OFFICER AS MILITARY ACCOUNTANT
GENERAL.**

8. ***Shaikh Mushir Hosain Kidwai:** (a) Why was not Sir (then Mr.) B. N. Mitra succeeded by a civilian officer of the Finance Department in the post of the Military Accountant General?

(b) Is it not a fact that Accountants General of Provinces, Posts and Telegraphs, Railways and all other Departments except the Military Accounts Department are all civilian officers of the Finance Department?

(c) What are the educational qualifications of the Accountants General and those of military officers serving as Military Accountants General and Command Controllers of Military Accounts?

(d) Were not adverse comments made by Deputy Auditors General from time to time on the merit and work of military officers serving as Heads of Military Accounts Offices?

The Honourable Sir Basil Blackett: (a) The post of Military Accountant General is an appointment on the cadre of the Military Accounts Department and, though the Government reserve discretion to fill the appointment from outside the Department, they did not consider it necessary to do so in the present instance.

(b) The reply is in the affirmative.

(c) Accountants General are either officers belonging to the Indian Civil Service, who have had special accounts training, or senior officers of the Indian Audit and Accounts Service. Military officers serving in the posts in question have passed through the Royal Military Academy or through Sandhurst and have spent the greater part of their service in the Military Accounts Department.

(d) So far as the Government are aware, no such general comments have been made, but the question is too general for me to make a specific answer.

SELECTION OF DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

9. ***Shaikh Mushir Hosain Kidwai:** (a) Is it a fact that in a recent conference of Command Controllers held in the Office of the Military Accountant General it has been decided to select certain accountants for the vacant posts of Deputy Assistant Controllers of Military Accounts quite independent of their standing in the roster of accountants and educational qualifications?

(b) How many such vacancies have occurred in the posts of Deputy Assistant Controllers of Military Accounts, permanent and sub. *pro tem*?

(c) How many of the men so selected are graduates and how many are non-matriculates or men who have failed in the Senior Cambridge Examination? What was the percentage of graduates amongst the permanent Deputy Assistant Controllers before this?

(d) In selecting such men what criterion has been kept in view for the purpose of determining their fitness for these posts in supersession of the claims of men who are senior in service and in standing and have no bad record? In the latter case how many such senior men have been superseded by juniors?

(e) What is the object underlying this new departure in the matter of selection of Deputy Assistant Controllers by verbal conference only instead of on the basis of past reports, as is done in case of all other Departments?

(f) What is the percentage of Anglo-Indians amongst the men so selected?

The Honourable Sir Basil Blackett: (a) The answer is in the negative.

(b) Six permanent and three sub. *pro tem.* vacancies between April and October 1925.

(c) Of the men selected one is a graduate while two are non-matriculantes. The percentage of graduates on 1st April was 15.

(d) Due regard was paid to relative seniority but this was only one factor in the selection which was determined by the comparative efficiency, physical fitness and general character of the several candidates. Eight men have been superseded by men junior to them.

(e) Selection continues to be made on the basis of past confidential reports, but it is considered more satisfactory that it should be carried out by a Board of senior and experienced officers of the Department, a system which is by no means confined to this instance.

(f) About 20 per cent. in recent selections.

COUNTING OF TEMPORARY SERVICE OF ACCOUNTANTS TOWARDS PROMOTION AND PENSION.

10. ***Shaikh Mushir Hosain Kidwai:** (a) Why has not temporary service from the date of appointment of temporary accountants appointed in 1916 from men of superior educational qualifications and of temporary clerks been allowed to count towards promotion and pension when temporary service of temporary Indian Medical Service officers on consolidated rates of pay has been allowed to count by the Secretary of State? Will the Government now sanction it or obtain the sanction of the Secretary of State to it?

(b) Is it not a fact that Mr. B. N. Mitra, the then Military Accountant General, gave assurances in interviews that their case would be treated like that of temporary Indian Medical Service officers, as regards promotion and pension in the Department?

(c) Is it a fact that one temporary accountant left the Military Accounts Department after securing an appointment in the Subordinate Provincial Service, Bengal, and that his temporary service as a temporary accountant has been allowed by the Bengal Government to count towards increment in his appointment as Sub-Deputy Collector?

(d) Is it a fact that the Temporary Accountants' Association, Poona, was not recognised by the Military Accountant General and that when they protested in 1920 against the treatment and interpretation of their terms of appointment, the Military Accountant General said that their resignation (after three or four years' temporary service) would be accepted if they were not satisfied?

(e) Why were not the temporary accountants provided with appointments in the accountants' grade in preference to 4th grade clerks who had passed the S. A. S. Examination in 1919 as was done in the case of certain graduate clerks of the Military Accountant General's Office who were promoted as sub. *pro tem.* accountants from the same date, i.e., 1st January

1920, subject to passing the S. A. S. Examination in preference to 5th grade clerks who had passed the S. A. S. Examination in 1919? How do the Government explain this anomaly, as this concession was granted to temporary graduate clerks of the Military Accountant General's Office on grounds of efficiency as stated by the Financial Adviser in reply to memorials of 5th grade clerks who had passed the S. A. S. Examination in 1919? What steps have since been taken to regularise it in the case of temporary accountants (possessing higher educational qualifications than those clerks) who were directly recruited for the first time as an experimental measure because of their superior educational qualifications with a view to increase the efficiency of the Department?

(f) Will the temporary service of temporary accountants be taken into account while selecting Deputy Assistant Controllers from accountants as many senior accountants actually served under them before fixing the post-war cadre and as the former are considered to be too junior to aspire to promotion to that grade, being placed low in the accountants' roster owing to inequitable interpretation of their terms of appointment and supersession by 4th grade clerks who had passed the S. A. S. Examination in 1919?

The Honourable Sir Basil Blackett: (a) No analogy exists between temporary Indian Medical Service officers and temporary subordinates in the Military Accounts Department.

(b) The answer is in the negative.

(c) and (d). The Government have no information on these points.

(e) Men who were directly appointed as temporary accountants during the period of the late war were, in accordance with the undertaking given to them by Government in 1916, appointed as sub. *pro tem.* accountants from 1st January, 1920, subject to passing the Subordinate Accounts Service Examination. No graduate clerks in the Military Accountant General's office were given the concession referred to by the Honourable Member. The points referred to in the other portions of the question do not arise.

(f) The answer is in the negative.

GRANT OF AN INCREASE OF PAY TO CLERKS OF THE MILITARY ACCOUNTS DEPARTMENT.

11. ***Shaikh Mushir Hossain Kidwai:** (a) Is it a fact that in the Civil Accounts Department increase of pay according to length of service, temporary and permanent, has been sanctioned to clerks, wherever it is more advantageous?

(b) If so, why has not this concession been granted to clerks of the Military Accounts Department?

(c) Is it not a fact that this led to a great anomaly inasmuch as the pay of an undergraduate clerk of 8 years' service was fixed on 1st April 1920 at Rs. 70 p.m. whereas that of a clerk (non-matriculate) of less than 2 years' service was fixed at Rs. 90 p.m. on that date?

(d) Will this anomaly be remedied when the next revision of pay takes place? Will the graduate clerks be given a higher starting salary?

(e) Is not an increase of pay sanctioned according to length of service wherever Europeans are affected and in all superior services?

The Honourable Sir Basil Blackett: (a) The answer is in the affirmative.

(b) From experience gained in earlier revisions it was found that the rule of length of service was generally unsuitable, and therefore after careful consideration the Government discarded this principle in favour of one which gave more uniform results and which was applied to the Military Accounts Department amongst others.

(c) and (d). There have inevitably been some anomalies and these points were considered by the Government in connection with the latest revision of pay of the Military Accounts Department but it has been found impracticable to effect a change.

(e) Generally speaking posts in the superior services are on a time-scale rate of pay but this is not the invariable rule nor is there any differentiation by domicile.

ACTION TAKEN ON THE REPORT OF THE REFORMS INQUIRY COMMITTEE.

12. ***Mr. Gaya Prasad Singh:** (a) Will the Government kindly state what conclusions, if any, they have arrived at regarding the amendment passed by the Legislative Assembly on the 8th September 1925 on the Muddiman Committee Report?

(b) Have they sent any despatch to the Secretary of State for India on the subject?

(c) If so, when; and are the Government prepared to lay a copy of it on the table?

ACTION TAKEN ON THE REPORT OF THE REFORMS INQUIRY COMMITTEE.

126. ***Mr. Chaman Lal:** In view of the Resolution passed by this House on the Muddiman Committee's Report and its reference to the Secretary of State for India, will Government inform the House what action they propose to take?

ACTION TAKEN ON THE REPORT OF THE REFORMS INQUIRY COMMITTEE.

132. ***Sir Hari Singh Gour:** Will the Government be pleased to announce their decision on the Muddiman Committee's Report which the Government were to have considered after ascertaining the views of both Houses of the Legislature?

MINIMUM DEMAND OF THE LEGISLATIVE ASSEMBLY REGARDING REFORMS.

402. ***Mr. B. Das:** (a) Has the attention of the Government been drawn to the Congress resolution at Cawnpore whereby the minimum demand put forward by the Assembly last September Session has received the full sanction of the Indian National Congress?

(b) Is it not also a fact that the Muslim League, the Liberal Federation and even the Conventionists have given their sanction to the minimum demand of the Assembly of last September?

(c) Will Government be pleased to state if they have communicated to the Secretary of State for India and the British Cabinet this sanction of the people of India on different platforms to the minimum demand of the Assembly on reforms?

MINIMUM DEMAND OF THE LEGISLATIVE ASSEMBLY REGARDING REFORMS,

403. ***Mr. B. Das:** (a) Will Government be pleased to state what decision the Government of India reached on the minimum demand of the Assembly last September, and will they be pleased to inform the House if the same has been forwarded to the Secretary of State for India?

(b) Will Government be pleased to state if the Secretary of State accepts their decision and will Government be pleased to lay all the correspondence on the table?

ACTION TAKEN ON THE REPORT OF THE REFORMS INQUIRY COMMITTEE.

429. ***Diwan Bahadur M. Ramachandra Rao:** (a) Will the Government be pleased to state what action has been taken by the Government (i) in regard to the Resolution passed by the Legislative Assembly on the 18th February, 1924, (ii) in regard to the Resolution passed by the Legislative Assembly on the 8th September, 1925, regarding the recommendations of the Reforms Inquiry Committee?

(b) Will the Government be pleased to state whether any decision has been reached on the subject by the Government of India and the Secretary of State and to state the decision they have come to, if any?

The Honourable Sir Alexander Muddiman: With your permission, I will answer this question as well as Nos. 126, 132, 402, 403 and 429. As was stated by His Excellency the Governor General in his valedictory speech on the occasion of the dissolution of the first Council of State, it was and remains the intention of the Government of India to formulate their conclusions on the debates in both Houses on the report of the Reforms Inquiry Committee. No despatch to the Secretary of State has as yet been issued and, though the subject has been much discussed, the Government of India are not yet prepared to arrive at a decision on a matter of the greatest importance on which it is essential that Government should have ample time for the fullest consideration.

Pandit Motilal Nehru: Will the Honourable Member please state how long the Government of India are likely to take to arrive at a decision?

The Honourable Sir Alexander Muddiman: I am not in a position to say definitely how long the Government of India will take to arrive at a decision.

Diwan Bahadur M. Ramachandra Rao: Not even approximately?

The Honourable Sir Alexander Muddiman: Not even approximately, but I hope soon.

Pandit Motilal Nehru: Has any progress been made at all in that direction?

The Honourable Sir Alexander Muddiman: Certainly, the Government of India have been giving the matter their most careful attention, and I have been watching many events with interest. (Laughter.)

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether any decision will be announced before the end of the Session?

The Honourable Sir Alexander Muddiman: I am not in a position to say that, but I should think so, probably.

Pandit Motilal Nehru: Are there any specific events which they expect to happen before then?

The Honourable Sir Alexander Muddiman: I would refer the Honourable Member to the very eloquent speech made by His Excellency the Governor General yesterday, which I think he heard.

Pandit Motilal Nehru: Are we to take His Excellency's speech as containing any indication as to what the final decision is going to be?

The Honourable Sir Alexander Muddiman: I think the Honourable Member must put his own construction on it.

Pandit Motilal Nehru: Is it the last word on the subject so far as His Excellency is concerned?

The Honourable Sir Alexander Muddiman: The last word is never said in these things till the end of time.

Mr. B. Das: Will the Honourable Member kindly say if the answer which he just gave applies to my question No. 402 also?

The Honourable Sir Alexander Muddiman: Will the Honourable Member kindly repeat his question?

Mr. B. Das: My question is:

"(a) Has the attention of the Government been drawn to the Congress Resolution at Cawnpore whereby the minimum demand put forward by the Assembly last September Session has received the full sanction of the Indian National Congress?"

(b) Is it not also a fact that the Muslim League, the Liberal Federation and even the Conventionists have given their sanction to the minimum demand of the Assembly of last September?"

(c) Will Government be pleased to state if they have communicated to the Secretary of State for India and the British Cabinet this sanction of the people of India on different platforms to the minimum demand of the Assembly on reforms?"

The Honourable Sir Alexander Muddiman: I have answered part (c) of his question, and, as regards parts (a) and (b), I am quite prepared to take it from the Honourable Member.

PROSCRIPTION OF THE *INDUSTRIAL AND TRADE REVIEW FOR INDIA* PUBLISHED IN BERLIN.

13. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to say if they have proscribed the monthly magazine, called the *Industrial and Trade Review for India* published in Germany? And if so, what are the reasons?

The Honourable Sir Alexander Muddiman: Yes, that is correct. We have proscribed the paper on the ground that its entry into India is contrary to the public interests.

VISIT OF SIR FREDERICK WHYTE TO CERTAIN COUNTRIES TO INQUIRE INTO THE RELATIONSHIP BETWEEN CENTRAL AND PROVINCIAL GOVERNMENTS.

14. ***Mr. Gaya Prasad Singh:** (a) Is there any truth in the report that Sir Frederick Whyte has been asked by Government to visit certain countries to make investigations in regard to the relationship between the Central and Provincial Governments? If so, what is the exact nature of the duty, and the countries he is to visit?

(b) Has Sir Frederick Whyte submitted any report to Government in regard to the subject?

The Honourable Sir Alexander Muddiman: (a) No.

(b) The monograph prepared by Sir Frederick Whyte has already been published and I suggest that the Honourable Member, if he has not already done so, should buy a copy.

Pandit Motilal Nehru: Will copies be presented to the Members?

The Honourable Sir Alexander Muddiman: If the Honourable Member would like a copy to be presented to the Members, I would certainly do so.

THE PUBLIC SERVICE COMMISSION.

15. ***Mr. Gaya Prasad Singh:** What conclusions, if any, have the Government arrived at regarding the constitution and personnel of the Public Service Commission?

The Honourable Sir Alexander Muddiman: I have received notice of several questions regarding the Public Service Commission and with your permission, Sir, I propose to answer them in a single reply. The present position is that the Government of India have prepared draft rules regulating, (a) the conditions of service of members of the Commission, and (b) the functions of the Commission, for the consideration of the Secretary of State in Council, who is the authority for making the rules. The general question of the constitution of the Public Service Commission was before the House in the Resolution which I moved on the 10th September, 1924, and the Government of India do not now propose to lay the matter before the House again. The personnel of the Commission is under the consideration of the Secretary of State in Council. I am unable to publish any of the correspondence that has taken place between the Secretary of State and the Government of India.

INDENT FOR PLANT FOR THE ELECTRIFICATION SCHEME ON THE GREAT INDIAN PENINSULA RAILWAY.

16. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that orders amounting to about five million sterling have been placed in England for the purchase of plant and machinery for the Great Indian Peninsula Railway electrification programme?

(b) If so, were tenders from elsewhere also invited; and what was the lowest tender; and was any attempt made to obtain as much of the plant and machinery as may be available in India?

(c) Did Continental or other firms decline to agree to conditions of timely execution?

The Honourable Sir Charles Innes: The Honourable Member is referred to the answer just given to Mr. T. C. Goswami's question No. 7 on the list.

Mr. N. M. Joshi: Mr. Goswami's question has not been replied to here?

The Honourable Sir Charles Innes: If the Honourable Member had been in his place, he would have heard the

ALLEGED INSULT IN RAILWAY TRAIN TO MISS TARA BAI.

17. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to an account published in the *Hindustan Times*, dated the 30th October, 1925, under the heading "Rajput Lady Hercules insulted in railway train. Miss Tara Bai's experience"?

(b) Are the facts stated therein substantially correct; and what steps have been taken on the complaint of Miss Tara Bai?

(c) Are Government aware that cases of insult or annoyance on the part of railway servants towards third class passengers are very frequent?

The Honourable Sir Charles Innes: (a) Yes.

(b) No. The lady and part of her theatrical company were travelling in an ordinary third class compartment with excess baggage and the amount due was collected at Quetta.

(c) No.

ALLEGED ILL-TREATMENT OF AN INDIAN LADY PASSENGER BY AN INSPECTOR OF CUSTOMS AT DANUSHKODI.

18. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the report of gross ill-treatment of an Indian lady passenger, the daughter of Mr. T. P. Masilomany, published in the *Hindustan Times*, dated the 22nd October, 1925? Is the account given therein correct; and has the attention of the Government been drawn to the letter of Mr. T. P. Masilomany, published in the *Amrita Bazar Patrika*, dated the 25th October, 1925, in this connection?

(b) Was any inquiry made into the allegation, and with what result?

The Honourable Sir Basil Blackett: (a) and (b). The Government of India have not seen the articles referred to either in the *Hindustan Times* or in the *Amrita Bazar Patrika*, but the facts are as follows:

Under the law a musical instrument is exempt from customs duty only if (1) it is in actual use by the person bringing it or (2) it is an instrument used by him in the exercise of his profession or calling. At Danushkodi it had been usual to ask the passenger to play upon the instrument in order to prove that it was in actual use by him, a test which has repeatedly resulted in the detection of attempted frauds on the revenue. Mr. Masilomany refused to pay duty and claim refund afterwards; nor would he give the Inspector any information as to his position in life when questioned. The Inspector explained the law to Mr. Masilomany and finally—in accordance with past practice—insisted on the passenger, in this case his daughter, playing on the instrument for a minute. The lady was not put any insulting questions nor was she asked if she was a professional musician.

On learning of this incident in October last, the Collector of Customs, Madras, immediately conveyed his personal apologies both in writing and orally for the Inspector's failure in courtesy, the Inspector himself was suitably dealt with, and steps have been taken to prevent a recurrence of the incident.

Mr. Gaya Prasad Singh: May I know, Sir, why the attention of Government was not drawn to the *Hindustan Times* of the 22nd October? May I make a present of it to him? Do not the Government subscribe to the paper?

The Honourable Sir Basil Blackett: I certainly do not read it regularly.

DEPUTATION OUT OF INDIA AT STATE EXPENSE OF NON-OFFICIAL
MEMBERS OF THE PRESENT LEGISLATIVE ASSEMBLY.

19. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to lay on the table a statement, showing the names of the non-official Members of the present Legislative Assembly, who have been sent out of India at State expense, and giving the following particulars?

Number.	Names of members.	Where sent.	Object of visit.	Year of visit.	Total expense incurred in each case.	REMARKS.

The Honourable Sir Alexander Muddiman: The statement asked for is laid on the table.

Statement.

No.	Names of members.	Where sent	Object of visit.	Year of visit.	Total expense incurred in each case.	REMARKS.
1	Diwan Bahadur T Rangachariar, C.I.E., M.L.A.	London	As member of the Government of India Colonies Committee to make representations to the Colonial Office on certain questions relating to Indians in Kenya and Fiji.	1924	Rs. A. P. 16,924 4 0	
2	Mr. K. C. Roy, C.I.E.	Do.	Idto	1924	16,045 2 0	
3	Mr. N. M. Joshi	Geneva	As workers' representatives to the International Labour Conference.	1925	..	The accounts of both these Members have not yet been settled, but the expenditure incurred up to the end of November on account of Mr. Joshi was Rs. 1,983 and on account of Mr. Chaman Lal Rs. 1,503.
4	Mr. Chaman Lal	Do.				

CLAIMS OF INDIAN MERCHANTS IN TANGANYIKA AGAINST THE EX-GERMAN GOVERNMENT.

21. ***Mr. Gaya Prasad Singh:** (a) Are Government aware of the extent of the claim of the Indian merchants in Tanganyika against the ex-German Government; and is it a fact that no less than 20 millions of Indians' money have been jeopardised by the change of Government in that territory?

(b) Have any steps been taken to liquidate the debts of the people out of the confiscated property of Germany?

(c) Is it a fact that under Article 297 (e) of the Peace Treaty, the nationals of Allied Powers are entitled to compensation in respect of damage or injury inflicted upon their property, rights or interests; and that this compensation is to be borne by Germany? And if so, what steps have the Government taken to reimburse, or compensate the Indian residents of Tanganyika for their loss in respect of these "debts of honour"?

Mr. L. Graham: (a) The Government of India have seen a letter addressed to the High Commissioner for India by the Indian Association, Tanganyika Territory, in which it is stated that Indians in that territory have claims aggregating two crores of rupees in respect of currency notes of the former German East Africa Government that were forced upon them by Government decrees and also of property seized by the German authorities. No such claims have been received by the Government of India and they have no information of the accuracy of the statements made in the said letter.

(b) and (c). Article 297 (e) of the Treaty of Versailles provides for the compensation of Allied nationals in respect of injury inflicted on their property, rights or interests in German territory by the application of exceptional war measures, and provides that such claims shall be investigated, and the amount of compensation determined by the Mixed Arbitral Tribunal provided for in the Treaty or by an arbitrator appointed by the Tribunal. This Article further lays down that such compensation shall be borne by Germany and may be charged upon the property of German nationals within the territory of the claimant's State.

It rests with the claimants to establish their claims before the Mixed Arbitral Tribunal which at present is sitting in London and any compensation awarded by the Tribunal will be met from the proceeds of liquidation of German property in Tanganyika Territory. As the Treaty has set up a special Tribunal for dealing with such claims the Government of India have no *locus standi* under the Treaty to deal with these claims.

Sir Darcy Lindsay: Are the Government aware that in addition to the German notes referred to by the Honourable Member there are also claims under interim notes and cash receipts for money which was almost forcibly taken from the people?

Mr. L. Graham: I think I have said in my answer, Sir, that the claims are not only in respect of currency notes but also in respect of property seized by the German authorities. I think that meets the Honourable Member.

Sir Darcy Lindsay: No, Sir; hardly. It is not properly.

Another supplementary question, Sir. Are the Government aware that the German Government have never definitely repudiated liability but keep on procrastinating by asking for more information? Also that two German officials have quite recently arrived in Dar-es-Salam with the alleged object of redeeming vouchers issued to the Askaris they employed in the war and that this shows a desire to meet just liability?

Mr. L. Graham: I am very glad to hear it, Sir. Government have not received that information.

Sir Darcy Lindsay: In the common interests of the Indian community, will Government obtain from the Government of Tanganyika particulars of claims of Indians and full information in order to examine the position closely with a view to the German Government being called upon to come to a definite decision in the case, and, if unfavourable, to submit the claim to the Tribunal of the League of Nations?

Mr. L. Graham: I tried to make it clear in my answer, Sir, that the persons who have these claims are under the Treaty required to go before the Mixed Arbitral Tribunal. They are not required to come to the Government of India. The Government of India have at present no *locus standi* to deal with these claims.

Sir Darcy Lindsay: I maintain, Sir, that the Government of India in looking after the interests of their people can give very great assistance in this matter.

ALLGOLD FRAUDS IN THE STORES DEPARTMENT OF THE EAST INDIAN RAILWAY.

22. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the *Amrita Bazar Patrika*, dated the 1st November, 1925, in which it is stated—"Strange rumours are in the air about a series of swindling that have been taking place in the Stores Department of the East Indian Railway. About seven of the officers have been alleged to be suspended or discharged. The amount involved in these swindling operations is estimated to be about a crore and six lakhs"?

(b) Is there any truth in this report, and what are the names of the officers concerned?

(c) What steps have been taken in the matter?

The Honourable Sir Charles Innes: (a) Government have seen the article referred to.

(b) and (c). The Honourable Member is referred to the editorial articles in the *Amrita Bazar Patrika* of the 5th December, 1925, on the subject and the letter, dated 1st December, 1925, addressed by the Secretary, Railway Board, to the Editor, *Amrita Bazar Patrika*, and published in the issue of the paper, dated 6th December, 1925. I take this opportunity of saying;

however, that a departmental investigation did take place into certain transactions of the Stores Department of the East Indian Railway. These transactions involved the Railway in no financial loss, but as a result of the investigation conducted by the Agent, it was considered necessary to dismiss from service two senior officials of the Stores Department.

REMOVAL OF THE IMPERIAL LIBRARY FROM CALCUTTA TO DELHI.

23. *Mr. Gaya Prasad Singh: (a) Have the Government arrived at any decision regarding the future of the Imperial Library of Calcutta?

(b) Will the Legislative Assembly or the Legislative Council of Bengal be given a chance to express their opinion before any decision is arrived at regarding the proposed removal of the Imperial Library to Delhi?

Mr. J. W. Bhore: (a) No.

(b) The point will be given due consideration before a final decision is reached on the proposed transfer.

ACTION TAKEN ON NON-OFFICIAL RESOLUTIONS PASSED BY THE LEGISLATIVE ASSEMBLY AND THE COUNCIL OF STATE.

24. *Mr. Gaya Prasad Singh: Will the Government be pleased to lay on the table a statement giving the non-official Resolutions passed by the Legislative Assembly, and the Council of State separately, since the beginning of 1924 up to now, indicating the steps taken on them by Government?

Mr. L. Graham: In regard to Resolutions adopted by the Council of State during the Delhi Session, 1924, and by the Legislative Assembly during the Delhi and Simla Sessions, 1924, the Honourable Member is referred to the following:

- (1) Statement laid on the table of the Council of State on the 4th June, 1924, in reply to the Honourable Mr. R. P. Karandikar's question (pages 785-786 of the Council of State Debates, Volume IV, No. 28).
- (2) Statement laid on the table of the Legislative Assembly on the 27th May, 1924, in reply to Mr. S. Sadiq Hasan's question (pages 2261-2262 of the Legislative Assembly Debates, Volume IV, No. 39).
- (3) Statement laid on the table of the Legislative Assembly on the 23rd February, 1925, in reply to Mr. R. Shanmukham Chetty's question (pages 1343-1344 of the Legislative Assembly Debates, Volume V, No. 21).

2. Statements in regard to the Simla Session of the Council of State, 1924, and the Delhi and Simla Sessions of the Council of State and the Legislative Assembly, 1925, are laid on the table.

Statement showing non-official Resolutions adopted by the Council of State during the Simla Session, 1924, and action taken by Government thereon.

Serial No.	Date on which moved.	By whom.	Subject of Resolution.	Department concerned.	Action taken by Government.
1	9th September, 1924.	The Honourable Sir Maneckji Dadabhoy.	Annual provision for the reduction or avoidance of public debt.	Finance .	It has been decided to make an annual provision for five years commencing from 1925-26 towards reduction or avoidance of debt—vide Government of India, Finance Department, Resolution No. F-18-11-P, dated the 9th December, 1924.
2	17th September, 1924.	The Honourable Sardar Jogendra Singh.	Appointment of a representative of the producers on the Taxation Enquiry Committee.	Do. .	The Honourable Sardar Jogendra Singh was appointed Member of the Indian Taxation Enquiry Committee.
3	22nd September, 1924.	Ditto	Appointment of an Indian to the Railway Board.	Railway .	The Resolution will be borne in mind when making selections for appointments in the Railway Board as they fall vacant.

Statement showing non-official Resolutions adopted by the Council of State during the Delhi Session, 1925, and action taken by Government thereon.

Serial No.	Date on which moved.	By whom.	Subject of Resolution.	Department concerned.	Action taken by Government.
1	22nd January, 1925.	The Honourable Mr. Phiroze C. Sethna.	Removal of the bar upon the admission of Indian students to the University Training Corps attached to the different Universities in the United Kingdom.	Army .	The undertaking which was given on behalf of Government has been fulfilled. The Secretary of State was addressed on the subject in March, 1925.
2	28th January, 1925.	The Honourable Khan Bahadur Ebrahim Haroon Jaffer.	Scholarships and prizes for Indian art students engaged in painting, sculpture, architecture and artistic crafts.	Industries and Labour.	Proposals for the establishment of a Central Art Institute at Delhi are at present under consideration of the Government of India.
3	10th February, 1925.	The Honourable Dr. Sir Deva Prasad Sarvadhikary.	Supply of Ganges water at and below Narora.	Do. .	After consulting the Government of the United Provinces the Government of India have decided not to take any action on the Resolution.
4	17th February, 1925.	The Honourable Khan Bahadur Ebrahim Haroon Jaffer.	Establishment of a school of Mining in Chota Nagpur.	Do. .	As stated during the debate on this Resolution a school of mines is under construction at Dhanbad in the Chota Nagpur Division of Bihar and Orissa. Its first session will commence from 1st November, 1925.

Statement showing non-official Resolutions adopted by the Council of State during the Simla Session, 1925, and action taken by Government thereon.

Serial No.	Date on which moved.	By whom.	Subject of Resolution.	Department concerned.	Action taken by Government.
1	8th September, 1925.	The Honourable Mr. Phiroze C. Sethna.	Indianisation of the staff and establishment at of the High Commissioner for India in the United Kingdom.	Commerce.	A copy of the debate on the Resolution has been forwarded to the High Commissioner and he has been informed that the Government of India desire that the principle involved in the Resolution should be followed and that consistently with economy and efficiency opportunities should be taken to Indianise the higher staff of the establishment.
2	10th September, 1925.	The Honourable Dr. Sir Deva Prasad Sarvadhikary.	Protection of the rights of Indians in South Africa.	Education, Health and Lands.	The Resolution was communicated to His Majesty's Secretary of State for India by telegram on the 11th September, 1925, and with his approval negotiations were entered into to obtain the consent of the Union Government to the despatch of a deputation to South Africa. The result of these negotiations has been that, with the concurrence of the Union Government, a deputation consisting of Mr. G. F. Paddison, C.S.I., I.C.S., Commissioner of Labour, Madras, Sir Deva Prasad Sarvadhikary, M.A., C.I.E., and the Honourable Saiyad Raza Ali, Member, Council of State, accompanied by Mr. G. S. Bapai, C.B.E., I.C.S. as Secretary, is, at present, in South Africa, collecting information regarding the economic condition and general position of the resident Indian community in South Africa and ascertaining their wishes and requirements, with a view to further representations and discussions on the subject.
3	15th September, 1925.	The Honourable Dr. Sir Deva Prasad Sarvadhikary.	Work done by the Central Government in connection with the transferred subjects.	Home	The question of the action to be taken is under the consideration of the Government of India.
4	Iditto	The Honourable Rai Bahadur Lala Ram Saran Das.	Concession rates for railway freight on coal	Railway	The matter is still under consideration.

Statement showing non-official Resolutions adopted by the Legislative Assembly during the Delhi Session, 1925, and action taken by Government thereon.

Serial No.	Date on which moved.	By whom.	Subject of Resolution.	Department concerned.	Action taken by Government.
1	23rd and 27th January, 1925.	Mr. B. Venkatapatnam.	Exchange and Currency Enquiry Committee.	Finance	As announced in His Excellency the Viceroy's speech in the Indian Legislature on the 20th August, 1925, a Royal Commission on Indian Currency and Finance has been appointed to examine and report on the Indian exchange and currency system and practice.
2	27th January and 3th February, 1925.	Mr. M. K. Acharya.	Grievances of the subordinate employees of the Indian Railways.	Railway	The Government of India are not in agreement with this Resolution and do not, therefore, propose to initiate the enquiry suggested therein. They have drawn the attention of Railway Administrations to the debates on the Resolution as also on the Budget, and they have no doubt that any genuine grievances which exist will be remedied by the Railway Administrations concerned.
3	28th January and 5th February, 1925.	Mr. C. Duraiswami Aiyangar.	Criminal Law Amendment Ordinance I of 1924.	Home	The Government of India have not been able to accept the recommendations contained in the Resolution. No action was accordingly taken other than to report the result of the debate to the Secretary of State.
4	12th February, 1925.	Sir Purshotamdas Thakurdas.	Ventilation of the grievances of Indians in Mandated Territories.	Legislative	The Government of India, while unable to contemplate action on the lines recommended, drew the attention of the Secretary of State to the report of the debate, and asked him to move for early examination by the Colonial Office of the language grievance which had already been fully represented by the Colonies Committee.
5	17th and 19th February, 1925.	Mr. B. Venkatapatnam.	Establishment of a Military College.	Army	The resolution has been given effect to by the appointment of the Skeen Committee.

Statement showing non-official Resolutions adopted by the Legislative Assembly during the Simla Session, 1925, and action taken by Government thereon.

Serial No.	Date on which moved.	By whom.	Subject of Resolution.	Department concerned.	Action taken by Government.
1	2nd September, 1925.	Haji Wajiduddin	Prohibition of liquors.	Finance	No action was considered by Government to be necessary.
2	2nd September, 1925.	Dr. K. G. Lohokare	Recruitment to the Indian Medical Service.	Army	The undertaking which was given by Government to bring the debate to the notice of the Secretary of State has been fulfilled and the question of what further action should be taken with regard to this Resolution is being examined.
3	2nd and 16th September, 1925.	Pandit Sham Lal Nehru.	Amendment of the Electoral Rules in regard to political disqualifications.	Home	For the reasons indicated in the Home Department Resolution No. F-546-25-Pub., dated the 26th October, 1925, the Government of India were unable to accept the recommendation contained in the Resolution.
4	16th September, 1925.	Sir Purshotamdas Thakurdas.	Suspension of the cotton excise duty.	Finance	The collection of the duty has been suspended with effect from the 1st December, 1925— <i>vide</i> Government of India, Finance Department, Notification No. F-130-F., dated the 1st December, 1925.

THE BAWLA MURDER CASE.

25. ***Mr. Gaya Prasad Singh:** (a) Will the Government kindly state if they intend to take any further proceedings in connection with what is known as the Bawla murder case?

(b) Has there been any correspondence between the Government and the Local Government on this subject?

The Honourable Sir Alexander Muddiman: I am not at present prepared to make any statement in the matter.

REDUCTION OF THIRD CLASS AND INTERMEDIATE CLASS FARES ON THE EAST INDIAN RAILWAY.

26. ***Mr. Gaya Prasad Singh:** Will the Government kindly state the rates at which third and intermediate class railway fares on the East Indian Railway have been reduced since 1st January, 1926?

Mr. G. G. Sim: A statement showing the rates for intermediate and third class fares in force on the East Indian Railway from 1st January 1926 is placed on the table.

Statement showing the rates for intermediate and third class fares in force on the East Indian Railway from 1st January, 1926.

INTERMEDIATE CLASS.

By Mail—

First 300 miles	7 pies per mile.
Additional distance	3 „ „

By Ordinary Train—

First 300 miles	5 pies per mile.
Additional distance	3½ „ „

THIRD CLASS.

By Mail—

First 300 miles	5 pies per mile.
301—600 „	3½ „ „
Additional distance	3 „ „

By Ordinary Train—

First 300 miles	3½ pies per mile.
Additional distance	2½ „ „

Mr. Gaya Prasad Singh: Has there been any increase in the rates for third class passengers travelling below 300 miles?

Mr. G. G. Sim: No.

Mr. Gaya Prasad Singh: Is the Honourable Member quite sure of his statement, because my information is that lately there has been an increase in certain cases? (Laughter.)

GRANT BY CERTAIN RAILWAYS OF PREFERENTIAL RATES ON GOODS
SHIPPED BY A PARTICULAR LINE OF STEAMERS.

27. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that some Railway administrations in India grant low or preferential rates on certain goods intended for export from India, on condition that these goods are shipped by a particular non-Indian line of steamers?

(b) If so, what are the Railways in India which do so; and in respect of what steamship companies?

The Honourable Sir Charles Innes: The Honourable Member is referred to the answer given in this Assembly on 20th March, 1924, to a similar question (No. 919) asked by Mr. Kunar Sankar Ray.

REPORT OF THE DECK PASSENGERS' COMMITTEE OF 1921.

28. ***Mr. Gaya Prasad Singh:** Will the Government kindly state what steps have been taken on the Report of the Deck Passengers' Committee of 1921?

The Honourable Sir Charles Innes: The attention of the Honourable Member is invited to the answer given on the 27th August, 1925, to a question by Diwan Bahadur M. Ramachandra Rao on this subject.

RECOMMENDATIONS OF THE AUXILIARY AND TERRITORIAL FORCES
COMMITTEE.

29. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government reply to question No. 56 in the meeting of the Council of State held on 1st September, 1925, regarding the recommendations of the Auxiliary and Territorial Forces Committee, will the Government be pleased to state if they have received the final replies of all Local Governments?

(b) If so, have they come to any final conclusion on the subject?

Mr. E. Burdon: (a) and (b). Actually the final replies of all Local Governments have not yet been received and the Government of India have not yet reached a final conclusion; but the Government of India have been actively considering the Report and it is anticipated that only a very short time will elapse before they decide upon the course of action which they propose to take on the recommendations of the Committee.

ADMISSION OF INDIAN STUDENTS TO UNIVERSITY OFFICERS'
TRAINING CORPS.

30. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to question No. 55, in the meeting of the Council of State held on the 1st September, 1925, regarding the disability imposed on Indian students regarding admission to University Officers' Training Corps, will the Government be pleased to state if any reply has now been received from the Secretary of State?

(b) If so, will they please lay it on the table?

Mr. E. Burdon: (a) and (b). The answer is in the negative.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member when any decision is expected on this matter?

Mr. E. Burdon: I am not in a position to say.

Diwan Bahadur M. Ramachandra Rao: Is it not a fact that this matter has been pending for the last 3½ or 4 years?

Mr. E. Burdon: I think the Honourable Member is approximately correct.

Diwan Bahadur M. Ramachandra Rao: May I know whether it is not necessary at least now to make a representation that some decision should be arrived at as early as possible?

Mr. E. Burdon: I understand that the Secretary of State has suspended consideration of specific questions relating to the further military training of Indians until in particular the Skeen Committee has reported.

Diwan Bahadur M. Ramachandra Rao: May I inform the Honourable Member that this question relates to the students of British Universities and their admission to the University Officers' Training Corps, which has nothing to do at present with the questions with which the Skeen Committee is now dealing?

Mr. E. Burdon: I am afraid I do not agree with the Honourable Member.

HIGH SCHOOL AT RAISINA.

31. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the Government reply to question No. 102 in the meeting of the Council of State held on the 7th September, 1925, regarding the High School at Raisina, will the Government be pleased to state what progress has been made in the matter?

Mr. J. W. Bhore: The Imperial Delhi Municipal Committee are considering the proposal to raise the school at Raisina to the status of a High School with effect from the 1st April of this year.

REPORT BY KUNWAR MAHARAJ SINGH REGARDING HIS DEPUTATION TO MAURITIUS.

32. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to question No. 50 in the meeting of the Council of State held on the 31st August, 1925, regarding the report by Kunwar Maharaj Singh on his deputation to Mauritius, will the Government please state whether they are now in a position to state if final decisions have been arrived at?

(b) If not, by what time are they expected to arrive at a decision in the matter?

Mr. J. W. Bhore: (a) and (b). Final decisions have not yet been arrived at and Government are not in a position to say when they will be reached. The various recommendations made in Kunwar Maharaj Singh's report have been commended to the consideration of the Colonial Government, but the Government of India have not yet been informed of the action taken upon them.

Mr. Gaya Prasad Singh: Will this House be given an opportunity of discussing this question before final decisions are reached?

Mr. J. W. Bhore: I am not in a position to say.

BUSINESS DONE IN INDIA BY MARINE INSURANCE COMPANIES.

33. ***Khan Bahadur Sarfaraz Hussain Khan:** (1) With reference to Government reply to question No. 49 (c), (d) and (e) in the meeting of the Council of State held on the 31st August, 1925, regarding the business done in India by Marine Insurance Companies, will the Government please state if the information with regard to (c) and (d) has been collected, and if the inquiries with regard to (e) have been completed?

(2) If so, will they please communicate the result to the House?

The Honourable Sir Charles Innes: (1) and (2). Information in regard to (c) and (d) of question No. 49 in the Council of State referred to by the Honourable Member is still being collected.

As regards (e) of that question, Marine Insurance Companies of the kind mentioned are not required to keep deposits with the Government of India.

DEVELOPMENT OF THE SUGAR INDUSTRY.

34. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the reply given to question No. 48 in the Council of State on the 31st August, 1925, regarding the development of the sugar industry, will the Government please state if the replies of all Local Governments have been received?

(b) If so, will they please place the copies in the Library of the House?

Mr. J. W. Bhore: The letters from the Governments of Bombay and Assam have been placed in the Members' Library. No reports from other Local Governments have yet been received.

ABOLITION OF THE SUPER-TAX AND REDUCTION OF THE INCOME-TAX.

35. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply "I am not in a position to make any statement about the next year's Budget" to question No. 45 in the meeting of the Council of State held on the 31st August, 1925, regarding the abolition of the super-tax and reduction of the income-tax, will the Government be pleased to make a statement now?

The Honourable Sir Basil Blackett: I would request the Honourable Member to await the presentation of the Budget.

THE PHILIP DUFF COMMISSION'S REPORT.

36. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to question No. 62 in the meeting of the Council of State held on the 25th August, 1925, regarding the Philip Duff Commission's Report, will the Government be pleased to state if they have considered the matter?

(b) If so, will the Government state what conclusions they have arrived at?

The Honourable Sir Alexander Muddiman: As the Honourable Member is aware a Resolution on the subject by Mr. B. Das has obtained the third place in the ballot and is coming up for discussion on the 26th January. I think it inadvisable to anticipate any statement which may be made on that day.

REDUCTION OF THE DUTY ON SALT USED FOR FISH CURING.

37. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to question No. 37, in the meeting of the Council of State held on the 25th August, 1925, regarding the reduction of the duty on salt used for fish curing, will the Government please state:

- (a) if the information has been obtained?
- (b) if obtained, will they furnish it to the House?
- (c) If not, by what time is it expected to be collected?

The Honourable Sir Basil Blackett: (a) The reply is in the affirmative.

(b) A copy of the reply sent to the Honourable Mr. V. Ramadas Pantulu is laid on the table.

(c) Does not arise.

Copy of demi-official letter from V. S. Sundaram, Esq., Under Secretary to the Government of India, to the Honourable Mr. V. Ramadas Pantulu, Member, Council of State, C. No. 393 Salt 25 dated the 2nd October, 1925.

COUNCIL OF STATE—QUESTION—THE HONOURABLE MR. V. RAMADAS PANTULU—EARTH SALT—SALT FOR FISH CURING PURPOSES—DUTY ON—.

As promised by the Honourable Mr. McWatters in reply to your question No. 37, dated 25th August 1925, in the Council of State, I am desirous to furnish the following information which has since been received:

2. *Clause (a)*—The use of salt earth was prohibited in 1888, with a view to protect the salt revenue. This prohibition involved a certain amount of hardship to the persons engaged in fish curing industry but the Madras Government considered that, in the interests of the public consumers it was undesirable that fish cured with salt earth which was at best extremely offensive and unwholesome should be allowed to pass into the market, that no rules for the collection of salt earth for fish curing, likely to be satisfactory to the fishermen while safeguarding the interests of the public revenue, could be framed, and that the only remedy for the grievances of the curers was the opening of a sufficient number of fish curing yards where salt could be issued at a low price to them. This is now being done. It may therefore be said that the use of salt earth for fish curing purposes was prohibited at least partly on sanitary grounds.

3. *Clause (b)*—The issue price charged for some years was annas 10 a maund but with effect from 1st April 1924, the date on which all the yards in this Presidency were transferred from the control of the Board of Revenue to that of the Director of Fisheries, the price was enhanced to Rs. 1-4-0 per maund with a view to reduce the loss on the working of the yards which in the year 1922-23 amounted to Rs. 1-35 lakhs.

4. *Clauses (c) and (d)*—No duty is levied on salt issued to curers. The Government of India have agreed to remit the duty on salt issued for fish curing purposes. The Honourable Member apparently refers to the price at which salt is issued at the yards which as stated above has been enhanced to Rs. 1-4-0 per maund. This price represents the estimated cost of purchasing, transporting and issuing salt to the curers.

5. *Clause (c)*—The question whether the increase in issue price has caused any hardship to the industry is now under consideration; if the Government are satisfied that the price can safely be reduced with reference to the figures of net cost, the appropriate change in the issue price will be made.

**DENIAL TO THE DEPRESSED CLASSES OF ACCESS TO THE POST AND
TELEGRAPH OFFICES IN THE MADRAS PRESIDENCY.**

38. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply "The three remaining complaints are still under enquiry" in reply to question No. 34 (a) in the meeting of the Council of State held on the 25th August, 1925, regarding the denial to the depressed classes of access to post and telegraph offices in the Madras Presidency, will the Government please state if the inquiry has been completed?

(b) If completed, will they please state what the result of the inquiry has been?

Mr. G. P. Roy: Of the three remaining cases of complaints, two were found groundless and in the third case, the office has been removed to an accessible locality with effect from the 4th November, 1925

**NUMBER OF INDIAN EXECUTIVE ENGINEERS EMPLOYED IN THE
NINE PROVINCES.**

39 ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the statement laid on the table in Government reply to question No. 31 in the meeting of the Council of State held on the 25th August, 1925, showing that the number of Executive Engineers in the 9 Provinces of India is 382 will the Government please state how many of these are Indians?

The Honourable Sir Bhupendra Nath Mitra: Of the 382 Executive Engineers 131 are Indians

RESIDENTS IN INDIAN STATES.

40. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to question No. 33 in the meeting of the Council of State held on the 25th August, 1925, will the Government please lay on the table a statement giving the names of the 23 Residents and the Indian States to which they have been posted respectively, as well as their respective monthly salaries?

Sir Denys Bray: I beg to refer the Honourable Member to the Foreign and Political Department Quarterly List, a copy of which is in the Library.

**GRANT OF LEAVE TO MUHAMMADAN EMPLOYEES OF THE EAST INDIAN
RAILWAY FOR THEIR JUMA PRAYERS.**

41 ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the reply given in the Council of State on the 25th August, 1925, to the question regarding the grant of leave to Muhammadan employees of the East Indian Railway for their Juma prayers, will the Government please state if they have sent their recommendation?

The Honourable Sir Charles Innes: Yes

REPRESENTATIONS FROM LOCAL GOVERNMENTS REGARDING THE MESTON SETTLEMENT.

42. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state:

- (a) whether they have received from the Local Governments or from any Local Government representations on the subject of the Meston Settlement?
- (b) If so, from which Local Government or Governments have they received such representations?

The Honourable Sir Basil Blackett: (a) and (b). Representations were received from the Governments of Bengal and Bombay in January and March, respectively, last year.

AMENDMENT OF THE LAW RELATING TO INFANTICIDE.

43. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to question No. 59 in the meeting of the Council of State held on the 1st September, 1925, regarding the amendment of the law relating to infanticide in India, will the Government please state whether they have come to any decision regarding the expediency of amending the law?

The Honourable Sir Alexander Muddiman: Local Governments have been consulted on the subject

EXEMPTION FROM INCOME-TAX OF THE PORTIONS OF PROFITS PAID TO POLICY HOLDERS BY LIFE ASSURANCE COMPANIES.

44. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply "The matter is still under consideration. I hope a decision will be arrived at shortly" in reply to question No. 59 in the meeting of the Council of State held on the 1st September, 1925, regarding the amendment of the Indian Income-Tax Act, will the Government please state:

- (a) If they have arrived at a decision?
- (b) If so, will they please state what the decision is?
- (c) If not, by what time are they expected to arrive at a decision?

The Honourable Sir Basil Blackett: (a) The reply is in the affirmative.

(b) A copy of the reply sent to the Honourable Mr. Phiroze C. Sethna is laid on the table

(c) Does not arise.

Copy of letter R. Dis. No. 15-1, T 125, dated the 5th October, 1925, from V. S. Sundaram, Esq., Under Secretary to the Government of India, to the Honourable Mr. Phiroze C. Sethna, Member, Council of State.

INSURANCE COMPANIES—ASSESSMENT OF TAXABLE INCOME—INCLUSION IN, OF PROFITS ALLOCATED TO POLICY HOLDERS.—YOUR QUESTIONS IN THE COUNCIL OF STATE AND REPLIES GIVEN HERETO BY THE HONOURABLE MR. MCWATERS ON 22ND JANUARY 1925 AND 1ST SEPTEMBER 1925.

With reference to the replies given to your questions, I am directed to say that the Government of India have carefully considered the proposal to exempt from Income-tax the portions of profits which the Life Assurance Companies pay to policy holders. The adoption of the proposal would involve a large sacrifice of revenue. Apart from this the Government of India consider that the sums in question *do* form part of the profits of the Companies. They therefore regret that they are not prepared to amend the Income-tax Act or rules as you suggested.

ENCOURAGEMENT OF INDIAN ART.

45. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to question No. 60 in the meeting of the Council of State held on the 1st September, 1925, regarding the encouragement of Indian Art, will the Government please state:

- (a) If they have received officially the copy of the scheme framed by the "Prize of Delhi Committee"?
- (b) If not, will they please lay on the table the suggestions for the establishment of a Central Art School at Delhi which are being considered by Government?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Does not arise.

DEPUTATION OF INDIAN DELEGATES TO CERTAIN INTERNATIONAL CONFERENCES.

46. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the statement laid on the table showing the Imperial and International Conferences held during the years 1922, 1923 and 1924, in reply to question No. 61 in the meeting of the Council of State held on the 1st September, 1925, will the Government please state the reasons why no Indian delegates were sent to the International Conference for Phytopathology and Entomology held in June, 1923, at Wageningen Holland: International Cattle Breeding Congress held in the Netherlands in August, 1923, and the Conference on Tropical Medicine in Angola?

Mr. J. W. Bhore: No Indian delegate was sent to the International Conference for Phytopathology and Entomology in 1923 because it was not considered that the importance of the Conference to India justified the expenditure involved at a time of exceptional financial stringency.

With regard to the International Cattle Breeding Congress, I greatly regret that an error has occurred in the statement referred to by the Honourable Member. The information that no delegate had been sent to this Conference was, I find, mistaken. As a matter of fact Mr. G. S. Henderson, Imperial Agriculturist, Pusa, was, at the suggestion of the Government of India, nominated by the Secretary of State to represent them at the Congress. He was at the time on leave in England and was considered the most suitable representative.

No delegate was sent to the Conference on Tropical Medicine in Angola because it was not considered that a study of the medical problems of that country was likely to be of material use in India.

PAY OF DIVISIONAL ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT.

47. ***Mr. O. S. Ranga Iyer:** (a) Is it a fact that the Divisional Accountants' Establishment of the Public Works Department, borne on Provincial scales and paid from Provincial revenues, is under the administrative control of the Central Government?

(b) Is the divisional accountant treated as the senior member of the office establishment of a Public Works Division?

(c) Were not the 3rd and 4th grades of the Subordinate Accounts Service of the Public Works Department as organised in 1864, and classified as the Divisional Accountants' Service in 1910, as follows:

	Rs.
Fourth Grade	80—7—150
Third Grade	160—10—240?

(d) Is it a fact that this scale of pay was for the first time revised in 1920 and substituted by a time-scale of Rs 80—10—250—20—5—270 in which the minimum remained exactly, and the maximum practically, the same as in 1864?

PAY OF DIVISIONAL ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT.

48. ***Mr. C. S. Ranga Iyer:** (a) Is it a fact, that the United Provinces Government at the time of revising the pay of the subordinate establishments under their control in 1920, accepted, in Finance Department Resolution No. 2418/X-389, dated 17th June, 1920, that in that Province even 32·6 per cent increase was insufficient on an average?

(b) Did the said Government sanction the following scale for the Divisional Accountants serving in their Province?

	Rs.
II Grade	120—140—9—210
I Grade	215—12½—315

(c) Is it a fact that the above scale was not accepted by the Government of India and that the time-scale referred to in part (d) of the previous question was applied to United Provinces Accountants also?

PAY OF DIVISIONAL ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT.

49. ***Mr. C. S. Ranga Iyer:** (a) Is it a fact that the divisional accountants are dissatisfied with their present scale of pay?

(b) Did the divisional accountants submit in 1921 a memorial to the Secretary of State?

(c) Was it rejected by the Secretary of State? If so, why?

(d) Did the divisional accountants of the United Provinces again submit a memorial to His Excellency the Governor General in 1924?

(e) If so, will the Government be pleased to state what action has been taken and what is delaying the issue of orders thereon?

PAY OF DIVISIONAL ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT.

50. ***Mr. C. S. Ranga Iyer:** Is it a fact that there are instances in which clerks subordinate to the divisional accountants of the Public Works Department draw more pay than the latter?

PAY OF DIVISIONAL ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT.

51. ***Mr. C. S. Ranga Iyer:** (a) Is it a fact that the Upper Subordinate Sub-divisional Officers of the Public Works Department were, till lately, borne on practically the same all-India scale of pay as the divisional accountants?

(b) Are the Upper Subordinate Sub-divisional Officers now drawing higher salaries in the revised provincial scales than the divisional accountants?

PAY OF DIVISIONAL ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT.

52. ***Mr. O. S. Ranga Iyer:** (a) Do the Government intend to issue orders revising the pay of the divisional accountants of the Public Works Department?

(b) If not, why not?

The Honourable Sir Basil Blackett: I propose to answer questions Nos. 47—52 together.

Questions 47 and 48.—The reply is in the affirmative except that the Divisional Accountants' Service was constituted in 1917.

Question 49.—(a) and (b). Yes.

(c) The memorial was rejected on account of financial stringency.

(d) Yes.

(e) Orders have issued revising the rates of pay of divisional accountants in all provinces with effect from the 1st March 1925.

Questions 50 and 51.—The information is being collected and will be furnished to the Honourable Member as soon as possible.

Question 52.—Revised scales of pay have already been sanctioned with effect from the 1st March 1925.

EXPENDITURE ON FRONTIER EXPEDITIONS.

53. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that no less than Rs. 36,00,00,000 during the last 25 years has been incurred on the Frontier expeditions as published in the *New Spectator, Delhi*, of the 6th November, 1925, page 30?

(b) If the figure quoted is not correct, will the Government please give the correct figure?

Mr. E. Burdon: (a) and (b). The figure of 36 crores given in the publication in question appears to be the figure of expenditure incurred on Frontier expeditions during the 25 years from 1895-96 to 1919-1920, inclusive of expenditure on the 3rd Afghan War. As such it is approximately correct.

GOVERNMENT CONTRIBUTION TO THE ISLAMIC COLLEGE AT PESHAWAR.

54. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Do Government contribute to the Islamic College at Peshawar?

(b) If so, will they please state the amount of their annual contribution?

Mr. J. W. Bhore: (a) Yes.

(b) Rs. 70,000 a year for a term of five years from 1925-26 with an additional grant to the extent of twice the amount of the income from

any additional endowments which the management of the college may secure, subject to a maximum grant of Rs. 80,000 a year.

BRITISH CONSUL IN KASHGAR.

55. ***Khan Bahadur Sarfaraz Hussain Khan**: With reference to the statement laid on the table showing the names and remunerations of Consular and Diplomatic representatives outside India who are paid entirely from the Indian Exchequer, in reply to question No. 75 in the meeting of the Council of State held on the 1st September, 1925, will the Government be pleased to state how India is interested in the affairs of Kashgar?

Sir Denys Bray: There are a number of Indians, and particularly of Indian traders in Kashgar and elsewhere in Chinese Turkestan, and the trade between India and Chinese Turkestan is considerable. His Majesty's Consul's primary duty is to look after both.

LOSS OF A MAIL BAG.

56. ***Khan Bahadur Sarfaraz Hussain Khan**: (a) Has the attention of Government been drawn to the paragraph under the heading "Mail Bag Missing" published in the issue of the *Forward* of the 10th November, 1925?

(b) If so, will the Government please state what action has been taken in the matter?

(c) Will the Government also please state what has been the result of the action if taken?

Mr. G. P. Roy: (a) Yes

(b) Departmental and Police enquiries were set on foot, and a reward of Rs. 300 was offered for the detection of the crime.

(c) No clue has yet been found.

ISSUE OF RETURN JOURNEY TICKETS ON THE BENGAL AND NORTH WESTERN AND THE OUDH AND ROHILKHAND RAILWAYS.

57. ***Khan Bahadur Sarfaraz Hussain Khan**: With reference to Government reply "The practice on different Railways is not uniform but the Government are aware that the East Indian Railway do issue return journey tickets between certain points", in reply to question No. 117 (a) in the meeting of the Council of State held on the 14th September, 1925, will Government please state:

(a) what the practice is with regard to the issue of return journey tickets on the Bengal & North-Western and Oudh and Rohilkhand Railways?

(b) the points between which return journey tickets are issued on the East Indian Railway?

Mr. G. G. Sim: (a) Return journey tickets are not issued on the Bengal and North Western Railway.

With effect from 1st January, 1926, the system of issuing first, second and, intermediate class 45-day return journey tickets between selected stations has been extended to the Oudh and Rohilkhand section of the East Indian Railway.

(b) The Honourable Member is referred to the published Time Table and Guide of the East Indian Railway.

GRANT OF COMMISSIONS TO INDIAN CADETS IN SANDHURST.

58. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply " We are awaiting intimation regarding the grant of their commissions " in reply to question No. 134 (b) and (c) in the meeting of the Council of State held on the 15th September, 1925, regarding Indian cadets in Sandhurst, will Government please state if they have received the intimation?

Mr. E. Burdon: Yes. The grant of commissions to the six Indian cadets was notified in the Gazette of India, dated the 5th December, 1925.

ELECTRIFICATION OF THE SUBURBAN LINES ON THE SOUTH INDIAN RAILWAY.

59. *Khan Bahadur Sarfaraz Hussain Khan: 1. With reference to Government reply " Proposals have been received from the South Indian Railway for the electrification of the suburban lines which are under examination " in reply to a question of which private notice was given in the meeting of the Council of State held on the 10th September, 1925, will the Government please state: .

(a) if and what further progress has been made on the subject?

(b) whether they have also received proposals for the electrification of railway communications in Northern India?

2. Will they please lay on the table for the information of the House the proposals which they have received from the South Indian Railway?

Mr. G. G. Sim: 1(a) and 2. The Honourable Member is referred to pages 25—31 of the Proceedings of the meeting of the Standing Finance Committee for Railways held at Calcutta on the 12th November, 1925 (Volume II, No. 4).

1 (b). A proposal for the electrification of the suburban lines near Calcutta is under consideration.

USE OF BETTER PAPER FOR PRINTING FORMS OF PASSPORTS FOR INDIAN PILGRIMS.

60. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply "The paper now used is said to be unsuitable for the purpose and the Government of India hope soon to substitute better paper for it " to question No. 167 in the meeting of the Council of State held on the 23rd March, 1925, regarding the grievances of the Haj pilgrims, will Government please state if they have substituted better paper?

Mr. J. W. Bhore: It has been decided that the form of passport for Indian pilgrims proceeding to the Hedjaz will be printed on azure laid paper which is strong enough for the purpose.

PROPOSED LEGISLATION TO APPLY MUHAMMADAN LAW TO THE KHOJA SHIA ISNA ASHRI COMMUNITY.

61. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to my starred question No. 1077 (2) to (4) asked in the meeting of the Legislative Assembly held on the 30th May, 1924, regarding the petition of Khoja Shia Isna Ashri community, will the Government please state what progress has been made in the matter?

The Honourable Sir Alexander Muddiman: Notice has been received from Mr Jinnah of a private Bill on the subject which he proposes to move for leave to introduce in the Legislative Assembly.

FRANCHISE FOR WOMEN.

62. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply "The matter contained in this paragraph is at present under the consideration of Government" to question No. 168 in the meeting of the Council of State held on the 24th March, 1925, regarding the franchise for women, will the Government please state if they have come to any decision in the matter?

(b) If so, will they please state what the decision is?

FRANCHISE FOR WOMEN.

63. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the last sentence of paragraph 66 of the Report of the Reforms Inquiry Committee, 1924 "We consider this to be a *casus omissus* and we would rectify it by the inclusion of a proviso on the lines of the provisos in the Electoral Rules for the Provincial Councils", will Government please state:

(a) If any action has been taken in the matter?

(b) If not, when they propose taking action?

The Honourable Sir Alexander Muddiman: I will answer the Honourable Member's Questions Nos 62 and 63 together. The recommendations of the Reforms Inquiry Committee referred to were accepted by this House on the 17th September, 1925. The Secretary of State has since been addressed on the amendments required in the various Electoral Rules to give effect to these amendments and his sanction in Council is awaited.

FRANCHISE FOR WOMEN.

64. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government please lay on the table a statement, showing:

- (a) the names of the Provincial Councils in which Resolutions to remove the disqualification for being an elector which is due to sex have been passed;
- (b) the names of the Provincial Councils in which Resolutions to the effect have been moved and withdrawn;
- (c) the names of the Provincial Councils in which such Resolutions were moved and negatived; and
- (d) the names of Provincial Councils in which no such Resolutions were moved?

The Honourable Sir Alexander Muddiman: The Legislative Councils of Madras, Bombay, Bengal, the United Provinces, the Punjab and Assam have passed the necessary Resolutions to provide for the removal of the sex disqualification for registration on the electoral rolls. It was never imposed in the case of the reformed Burma Legislative Council. A Resolution on the subject was moved in the Bihar and Orissa Legislative Council but was defeated. As far as the Government of India are aware the Central Provinces Legislative Council has not taken any action in this direction.

Mr. B. Das: Have the Government of India taken any action on the Resolution of the Honourable the Home Member passed last September to amend the rule and to allow women to be elected to the Councils?

The Honourable Sir Alexander Muddiman: I have replied to that.

SPECIAL REPRESENTATION FOR FACTORY LABOURERS IN THE LEGISLATIVE ASSEMBLY.

65. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to recommendation 10 in the summary of recommendations in the Report of the Reforms Inquiry Committee, 1924 "Special representation for factory labourers in the Legislative Assembly should be provided for, if Local Governments can make arrangements by election, and if not by nomination", will the Government please state if they have consulted the Local Governments?

The Honourable Sir Alexander Muddiman: Yes.

EXEMPTION OF MEMBERS OF LEGISLATIVE BODIES FROM SERVING AS JURORS OR ASSESSORS, ETC.

66. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to recommendation 18 of the summary of recommendations of the Report of the Reforms Inquiry Committee "Members of the Legislative bodies constituted under the Act should be exempted from (i) serving as jurors or assessors; and (ii) arrest and imprisonment for civil causes during meetings of the Legislatures in question and for periods of a week before and after such meetings", will Government please state if they have decided to give effect to this recommendation of the Committee?

The Honourable Sir Alexander Muddiman: I invite the Honourable Member's attention to the Legislative Members Exemption Act, 1925 (Act No. XXIII of 1925). So far as I remember the Honourable Member, who originally put the question and who now puts the question, was present in this House when that Bill was passed on the 1st September, 1925.

THE PUBLIC SERVICE COMMISSION.

67. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question No. 12 (b) and the supplementary question regarding the appointment of the Public Service Commission, asked

in the meeting of the Legislative Assembly held on the 25th August, 1925, will the Government please state:

(a) If the personnel of the Public Service Commission has been selected?

(b) Whether Government are prepared to consult this House before coming to a final conclusion about its functions and powers?

The Honourable Sir Alexander Muddiman: I would refer the Honourable Member to the answer given by me to Mr. Gaya Prasad Singh this morning.

RECOMMENDATIONS OF THE INDIAN MERCANTILE MARINE COMMITTEE.

68. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply "The recommendations made by the Indian Mercantile Marine Committee are still under the consideration of Government, but the services of an expert are being obtained from England to draw up a detailed scheme for the establishment of a training ship in Indian waters", will the Government please state:

(a) If they have considered the Report?

(b) Whether they have obtained the services of an expert?

The Honourable Sir Charles Innes: (a) Yes.

(b) Yes. The expert has submitted his report which is under consideration.

RESOLUTION RE THE SUPPLY OF GANGES WATER BELOW NARORA.

69. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to the second supplementary question to starred question No. 28, asked in the meeting of the Legislative Assembly held on the 25th August, 1925, regarding the Resolution regarding the supply of Ganges water below Narora, will Government please lay on the table a summary of the Local Government's reasons?

The Honourable Sir Bhupendra Nath Mitra: A copy of a letter dated the 23rd May, 1925, from the Government of the United Provinces is laid on the table

COPY OF LETTER No. NT.-507/IW/1B-2-W/9N 5, DATED THE 23RD MAY, 1925, FROM THE JOINT SECRETARY TO GOVERNMENT, UNITED PROVINCES, PUBLIC WORKS DEPARTMENT, IRRIGATION BRANCH, TO THE SECRETARY TO GOVERNMENT OF INDIA, DEPARTMENT OF INDUSTRIES AND LABOUR, PUBLIC WORKS BRANCH.

Supply of Ganges water at and below Narora.

With reference to your letter No. I.-7/59, dated the 24th March, 1925, I am directed to state that the Narora weir was completed in March, 1878, and that no religious question was ever raised in regard to any shortage of the supply of Ganges water below the weir for 36 years thereafter. The simple reason for this attitude was that a large volume of such water was still passing below the weir through the gaps in its foundations in the sandy bed of the river. Moreover, the volume of water in the river increases every mile by percolation through its bed. With the exception of Ramghat, which has been declining in importance, there is in the reaches below Narora no sacred spot of importance until Bithur, 150 miles away, is reached and owing to this percolation there is always an ample supply of water there. Hence no perceptible inconvenience has ever been felt by any large section of the Hindu community.

On 15th January 1925 at 2-47 hours a collision took place at Dighwara Station on the Sonapur Chupra section of the Bengal and North-Western Railway, between No. 169 Up Goods train standing in the yard and No. 4 Down Passenger train running from Santa. The collision was due to the lowering of the signal without correctly setting points for the reception of No. 4 Down. The front brake van and four compartments of the leading bogie of No. 4 Down telescoped into each other and its tender was lifted on the wreckage. The tender and three leading wagons of No. 169 Up were derailed. The driver of No. 4 Down and seven passengers were injured two of whom subsequently died in the hospital. The damage to rolling stock and permanent way was estimated at Rs. 5,425.

The Assistant Station Master of Dighwara and the driver of No. 4 Down who were held responsible for the collision were prosecuted and convicted, the former being sentenced to 3 months' rigorous imprisonment under section 101 of the Indian Railways Act, 1890 (IX of 1890), and the latter to 3 months' rigorous imprisonment under the same section and 3 months' rigorous imprisonment under section 304A of the Indian Penal Code, the sentences to run concurrently.

ACTION TAKEN BY THE PATNA HIGH COURT ON THE RECOMMENDATIONS OF THE INDIAN BAR COMMITTEE.

72. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to the first supplementary question to starred question No. 92 regarding the action taken by the Patna High Court on the recommendations of the Indian Bar Committee asked in the meeting of the Legislative Assembly held on the 25th August, 1925, will Government please state if they are aware that the rules framed by the Patna High Court are in certain cases contrary to the spirit of the recommendations of the Indian Bar Committee?

The Honourable Sir Alexander Muddiman: Government are aware that the rules framed by the Patna High Court do not conform exactly with the recommendations of the Indian Bar Committee, but those rules could not very well do so pending the passing of legislation dealing with the subject.

THE KHYBER RAILWAY.

73. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question No. 43 (d), asked in the meeting of the Legislative Assembly held on the 25th August, 1925, regarding the Khyber Railway, will Government please state what the monthly income of the Railway has been since it has been opened?

Mr. G. G. Sim: The Khyber Railway has not yet been open to public traffic long enough for any useful information to be obtained regarding its monthly income. Government do not, therefore, propose to ask the Agent, North Western Railway, for any such information at present.

TELEPHONIC CONNECTION BETWEEN DELHI AND PATNA.

74. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question No. 49 regarding telephone connection between Delhi and Patna asked in the meeting of the Legislative Assembly held on the 25th August, 1925, will Government please state what, if any, progress has been made in the matter?

Mr. G. P. Roy: Two of the existing telegraph wires between Delhi and Patna have been balanced to allow of establishing trunk telephone communication between these places. It is hoped that the service will be thrown open to the public either in March next or early in the next financial year.

EXPENDITURE ON PRIMARY EDUCATION IN DIFFERENT CENTRES.

75. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Forward* of the 18th November, 1925, page 3, under the heading "Expenses of Primary Education in different centres"?

(b) If so, will Government please state if the figures quoted therein are correct, specially in respect of India?

(c) If correct, will they please give reasons for the extraordinary low percentage in India?

(d) If not correct, will Government please state the correct figures?

Mr. J. W. Bhore: (a) Yes.

(b) and (d). The figures given for the different foreign countries must be regarded as approximate only. They do not appear to be up to date and do not take recent variations in exchange into account. They also disregard differences in the methods of calculation adopted in different countries. The correct figures are not immediately verifiable.

The figure for British India is correct for *direct* expenditure on Primary Schools. It does not include indirect expenditure.

(c) The low figure for British India is to some extent accounted for by the fact that no comparison of expenditure is valid which does not take into account the revenue payable per head of the population.

WAITING ROOM FOR LADIES AT RANIGUNJ RAILWAY STATION.

76. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter under the heading "Ranigunj railway station", published in the issue of the *Forward* of the 19th November, 1925, page 11?

(b) If so, will they please state whether the statement made therein that the Ranigunj railway station has no waiting room for ladies is correct?

Mr. G. G. Sim: (a) and (b) Government have seen the letter referred to, but have no information as to whether the statement made therein is correct or not.

PROTESTS OF INDIANS RESIDENT IN SOUTH AFRICA AGAINST THE ASIATIC BILL, INTRODUCED INTO THE SOUTH AFRICAN UNION PARLIAMENT.

77. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the *Hindi* newspaper, published in Jacobs, Natal, dated the 16th October, 1925, in which are published the reports of mass meetings held at Stanger and Tongaat on the 20th September, at Clairwood on the 27th September, at Dundee on the 3rd October, at Ladysmith on the 4th October, at New Castle and Dannhauser on the 5th October, and at Mombasa and Kalindini on the 20th September, 1925, to protest against what is known as the Asiatic Bill which has been introduced into the South African Union Parliament?

(b) Has the attention of the Government been drawn to the following statement issued over the signatures of the Most Revd. the Metropolitan of India, Chairman, Dr. S. K. Dutta, Vice-Chairman, Revd. W. Paton, and Mr. P. O. Phillip, Secretaries of the National Christian Council of India, Burma, and Ceylon:

"We believe that if the present (so-called) Asiatic Bill were passed, a large number of Indians born in South Africa will be compulsorily repatriated and that the conditions of life and work for most of them who remain, will be nearly intolerable. Violent feeling has been aroused on both sides by the legislation now under discussion, and while some European Christians have supported the Indian claims, it is apparently certain that a determination exists on the part of a majority of Europeans, particularly in Natal, to press through to its consummation a policy for which they do not claim any moral defence?"

(c) What steps have been taken by Government in connection with the said Asiatic Bill?

Mr. J. W. Bhore: (a) and (b). The reply is in the affirmative.

(c) The attention of the Honourable Member is drawn to the statement on this subject made by His Excellency the Viceroy in opening the Session.

GRIEVANCES OF INDIANS IN FIJI.

78. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that in Fiji, no Indian is allowed admission in a State school for education; and that for about 14,000 children of school-going age, there is only one Lower Primary School?

(b) Is it a fact as stated by Revd. A. W. MacMillan in his speech in the Auckland Rotary Club on the 30th July, 1925, on Indians in Fiji that however refined an Indian family may be, his children are excluded from public schools on racial grounds, and that an Indian is barred from promotion in the Government service beyond a mere clerkship?

(c) Is it also a fact that an Indian has to deposit £150 with the shipping company whenever he has to pass through Auckland Harbour with a through ticket to India?

(d) If so, what steps have the Government taken to secure the rights of Indians in Fiji; and also indicate what decision they have arrived at regarding the publication of the Fiji Report?

Mr. J. W. Bhore: (a) There was in 1924 one Government school established especially for Indians. In addition there were 21 assisted schools receiving Indian pupils, who numbered 1,626, and a number of non-assisted private schools for Indians. There are 13,116 Indian children between the ages of 5 and 15. 15 of the assisted schools are primary and 6 vernacular.

(b) It is laid down in the Fiji Education Ordinance of 1916, that no applicants shall be refused admission to any school on account of the religious persuasion, nationality, race or language of such applicant but this rule is not applicable to the Public Schools in Suva or Levuka or to the

Queen Victoria Memorial School at Nasinu or to any district in which adequate provision exists for the education of scholars of different races in separate schools. Government are not aware of any regulations barring the promotion of Indians in Government Service in Fiji beyond a clerkship.

(c) In view of the fine of £100 to which, under the New Zealand Immigration Restriction Act, the master and owner of any ship by which a prohibited immigrant is brought to New Zealand is liable, the shipping companies concerned, in order to cover themselves, insist on a deposit, which it is understood may amount to £150 in certain cases, being placed with them by Indians travelling to or from India *via* New Zealand.

(d) As indicated in my reply to part (a) of Mr. B. Venkatapatiraju's question No. 119 on the 26th August, 1925, the Colonies Committee of the Government of India made representations in regard to the more important recommendations of the Fiji deputation to the Secretary of State for the Colonies and these are still the subject of negotiation. Pending the conclusion of the negotiations, no decision has been arrived at regarding the publication of the Fiji Deputation's Report

Mr. Gaya Prasad Singh: May I know, Sir, what time it is likely to take for the negotiations to come to an end?

Mr. J. W. Bhore: It is really impossible for me to say. We are doing all we possibly can to hurry on the conclusion of these negotiations. The matter does not rest entirely with us.

Mr. A. Rangaswami Iyengar: For how many years has this Fiji question been under consideration?

Mr. J. W. Bhore: I am quite aware that it has been a considerable time.

EXPENDITURE INCURRED ON AIR OPERATIONS AGAINST THE MAHSUDS,

79. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to give the total amount of expenditure incurred on the air operations carried out by the Royal Air Force against the Mahsuds in Waziristan from 9th March to 1st May, 1925?

Mr. E. Burdon: The total expenditure incurred in connexion with the air operations carried out by the Royal Air Force against the Mahsuds in Waziristan during the months of March and April, 1925, is approximately Rs. 10 lakhs.

ESTABLISHMENT OF AN AIR ROUTE BETWEEN INDIA AND ENGLAND.

80. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to state what progress, if any, has been made towards establishing an Air route between India and England, and when the scheme is likely to materialize?

The Honourable Sir Bhupendra Nath Mitra: There are two proposals relating to the establishment of arial communications between England and India. The first is for an Airship Service, *via* Ismailia, to

Karachi. In connection with this service, the construction of two five million cubic feet airships, of an air harbour in England, and of a mooring mast in Egypt is already in hand; the necessary land for the Karachi base is being acquired, plans for the lay-out have been prepared, and the contract for the shed placed. It is proposed that the first experimental flights shall take place in the spring of 1927; thereafter the ships will probably be run on a purely experimental basis for one year. In the meantime, an existing airship is being reconditioned to undertake preliminary flights over the route, at an early date, with a view to gaining experience of the difficulties likely to be encountered when the larger ships are put into commission.

The second proposal is for the inauguration of a heavier-than-air service between Egypt and Karachi, in which connection the Home Government are granting Imperial Airways Limited, with whom they have entered into an agreement, a subsidy for five years subject to satisfactory performance. The service will form the first link of an ultimate aeroplane service to Great Britain. The entire route has recently been inspected by a survey party sent out by the Air Ministry, and it is hoped that the service will commence to fly about the end of 1926.

AUTHOR OF THE PUBLICATION ENTITLED "THE LOST DOMINION".

81. *Mr. Gaya Prasad Singh: Will the Government kindly state if they have any information in their possession to show that a member of the I. C. S. is the author of the publication, called "The Lost Dominion"?

The Honourable Sir Alexander Muddiman: Government have no information.

Mr. Gaya Prasad Singh: Does the Honourable Member know who wrote the book? Is there not internal evidence in the book itself to show that it is written by a member of the I. C. S.?"

The Honourable Sir Alexander Muddiman: I must confess that I am not in a position to deduce from the reading of a book of that kind the internal evidence which the Honourable Member seems to see.

Mr. C. S. Ranga Iyer: Will the Honourable Member be pleased to inquire whether a member of the Civil Service has written that book?

The Honourable Sir Alexander Muddiman: Certainly not.

Mr. C. S. Ranga Iyer: It does not suit the Government?

The Honourable Sir Alexander Muddiman: Not at all.

Mr. C. S. Ranga Iyer: I hear that it is a Karachi civilian and a judicial officer who wrote it.

INDIAN'S MEMBERSHIP OF THE LEAGUE OF NATIONS.

82. *Mr. Gaya Prasad Singh: (a) In connection with the fact that India is a member of the League of Nations, is it not true that under the first Article of the Covenant, the qualification for membership is that "any fully Self-governing State, Dominion, or Colony may become a member of the League if its admission is agreed to by two-thirds of the Assembly"?

(b) Under what circumstances did India come to be included in the League?

(c) Is it a fact that in 1920 India's share of contribution to the expenditure of the League of Nations was equal to that of Great Britain, France, Italy, Japan, and Canada?

Mr. L. Graham: (a) The Honourable Member is referring to the second paragraph of Article 1 of the Covenant. This paragraph lays down the qualification for subsequent membership.

(b) India became an original member of the League by virtue of the first paragraph of Article 1 of the Covenant.

(c) India's contribution in 1920 was the same as that of each of the other members named in the question.

Mr. Gaya Prasad Singh: What was the amount of contribution?

Mr. L. Graham: It was 25 units. I cannot tell you exactly what the amount was.

LIMIT OF THE PRODUCTION AND EXPORT OF OPIUM TO THE AMOUNT REQUIRED FOR MEDICINAL AND SCIENTIFIC PURPOSES.

83. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the Resolution of the Assembly of the League of Nations, dated 27th September, 1923, which recommends "the limitation of the production of raw opium and the coca leaf for export to the amount required for medicinal and scientific purposes only"?

(b) What steps have the Government taken to limit the production and export of opium to the amount required for medicinal and scientific purposes only?

The Honourable Sir Basil Blackett: (a) The purport of the Resolution in question was that the Assembly of the League of Nations requested the Council of the League to convoke a Conference of the various Governments in order to consider, among other questions, that of the limitation of the production of raw opium and coca leaf for export to the amount required for medicinal and scientific purposes. Such a Conference was held at Geneva between the 17th November, 1924, and the 19th February, 1925.

(b) Attention is invited to the Report of the Indian Delegates to the Geneva Conferences 1924-25 which was published in the *Gazette of India*, dated the 28th November, 1925, and to the Conventions entered into at Geneva, copies of which have been placed in the Library.

EXPENDITURE ON THE CARRIAGE OF HIS MAJESTY'S MAIL BY WATER.

84. ***Mr. Gaya Prasad Singh:** Will the Government kindly place on the table a statement showing separately how much money is paid annually out of the Indian revenues to different steamship companies for the carriage of His Majesty's Mail by water?

Mr. G. P. Roy: A statement is laid on the table.

Statement showing the names of steamship companies and the amounts of subsidies payable to each of them for the carriage of His Majesty's Mail.

Names of steamship companies.	Amount paid annually by the Post Office.	REMARKS.
	Rs. A. P.	
1. The British India Steam Navigation Company.	15,18,000 0 0	
2. The Irrawaddy Flotilla Coy., Ltd. .	...	Under contract with the Burma Government for Rs. 1,86,140, towards which the Post Office contributes annually to that Government Rs. 58,882 representing the cost of the services for the conveyance of mails.
3. The Arracan Coy., Ltd. . . .	...	Under contract with the Burma Government for Rs. 1,60,000 for the maintenance of certain services. The Post Office pay Rs. 1,200 annually to the Burma Government for the conveyance of mails.
4. The Rivers Steam Navigation Coy., Ltd., and the India General Navigation Coy., Ltd.	81,788 12 0	
5. The Retriever Flotilla Company .	6,600 0 0	
6. The Bombay Steam Navigation Coy.	39,800 0 0	
7. Mr. Trikamjee Jiwandas, Bombay	4,000 0 0	
8. The Navanagar State, Jamnagar .	20,000 0 0	
9. Agents of the Natal Direct Line .	...	Under contract with the Ceylon Postal Administration for Rs. 3,000 a year towards which Rs. 2,040 is paid to that Administration by the Indian Post Office.
10. Agents of the Indian and African Line.	...	Under contract with the Ceylon Postal Administration for Rs. 3,000 a year of which Rs. 2,004 is paid to that Administration by the Post Office.
11. The Asiatic Steam Navigation Coy.	...	Under contract with the Government of India in the Home Department. The Post Office pays Rs. 8,000 a year for the conveyance of mails.
12. The Peninsular and Oriental Steam Navigation Coy.	...	Under contract with the British Post Office. The amount of contribution made by the Indian Post Office towards the total amount of subsidy is variable. An expenditure of Rs. 3,05,000 was actually incurred during 1924-25 on account of India's contribution.

ABOLITION OF THE COTTON EXCISE DUTY.

85. ***Mr. Gaya Prasad Singh:** (a) Will the Government kindly state if it is their intention to abolish the cotton excise duty in the next Budget, and also to reduce the import duty on piece-goods?

(b) If it is proposed to reduce the import duty, on whose recommendation is the proposed step being contemplated?

(c) Are Government aware that Indian public opinion is strongly against the reduction of the import duty?

(d) Has the attention of the Government been drawn to a leading article by "Ditcher", published in the *Capital*, dated the 23rd September, 1925, in which the cotton excise duty has been described as a "dishonest and tyrannical tax"?

The Honourable Sir Basil Blackett: I am not in a position to add anything at present to the statement by His Excellency the Governor General published in Finance Department Notification of December 1st, 1925.

EXPULSION OF MR. MANABENDRA NATH ROY FROM FRENCH TERRITORY, ETC.

86. ***Mr. Gaya Prasad Singh:** (a) Will the Government kindly state if they have received any communication regarding the expulsion of Mr. Manabendra Nath Roy from the French territories, and the putting under surveillance of Messrs. Ramcharan Lal Sharma and Moti Lal Roy, the Indian refugees, in the French Possessions of India?

(b) If so, are Government prepared to place all such correspondence on the table?

The Honourable Sir Alexander Muddiman: The reply in the negative.

CONDITION OF INDIANS IN SOUTH AFRICA.

87. ***Mr. Gaya Prasad Singh:** (1) Has the attention of the Government been drawn to certain statements made by Bishop Frederic Fisher of Calcutta, regarding the condition of Indians in South Africa, published in the *Hindustan Times* of the 4th November, 1925?

(2) Have the Government made any inquiries as to the truth of these allegations, and what steps have they taken so far in the matter?

Mr. J. W. Shore: (1) The reply is in the affirmative.

(2) Yes; inquiries have been made

EXTENSION OF THE LEE COMMISSION'S CONCESSIONS TO EUROPEAN OFFICERS OF THE PROVINCIAL SERVICES.

88. ***Mr. Gaya Prasad Singh:** Will the Government kindly state if they have sent up to the Secretary of State their recommendations with regard to the extension to non-Asiatic domiciled officers of the Provincial Services of the privileges accorded to members of the All-India Services, in accordance with the recommendations of the Lee Commission?

If so, are they prepared to lay a copy on the table?

The Honourable Sir Alexander Muddiman: The matter is still the subject of correspondence with the Secretary of State. There are no papers which I can lay on the table. But some of the correspondence has already been published by the Secretary of State and copies of the White Paper containing it will be found in the Library.

**ALLEGED ABDUCTION OF AN INDIAN GIRL BY GUARD HODSON OF THE
EASTERN BENGAL RAILWAY.**

89. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the report of an Indian girl's abduction by guard Hodson, on the Katihar section of the Eastern Bengal Railway, published in the *Amrita Bazar Patrika*, dated the 10th October, 1925?

(b) Are the allegations made therein true, and what steps have been taken against the guard?

The Honourable Sir Charles Innes: (a) Yes.

(b) Guard Hodson was brought before the District Magistrate of Malda on 24th July, 1925, and charged under sections 366 and 373 of the Indian Penal Code. The magistrate held that there was nothing to show that he had committed any offence under the above sections and discharged him under section 253 of the Criminal Procedure Code. He was again charged under sections 497 and 498 of the Indian Penal Code on 7th August, 1925, and was discharged under section 259 of the Criminal Procedure Code as the complainant was absent and as nobody appeared on his behalf in spite of being called.

In the circumstances no disciplinary action has been taken against the guard.

Mr. Gaya Prasad Singh: Who was the magistrate, Sir?

The Honourable Sir Charles Innes: I do not remember his name, Sir.

An Honourable Member: Will the Government kindly call for the papers and after proper legal advice consider taking the case to a higher judicial authority?

The Honourable Sir Charles Innes: Government do not propose to take any action of the kind suggested.

Mr. Gaya Prasad Singh: Why not, Sir?

The Honourable Sir Charles Innes: For the reason I have given.

EXPENDITURE IN CONNECTION WITH THE CHAMBER OF PRINCES.

90. ***Mr. Gaya Prasad Singh:** Will the Government kindly state if any part of the expenditure in connection with the Chamber of Princes falls upon the Indian revenues; and if so, what part?

Sir Denys Bray: The position is that, ever since 1921-22, funds have been voted by the Legislative Assembly on account of "Delhi Capital Outlay" including provision for the cost of the building now being erected for the use of the Indian Legislatures and the Chamber of Princes. The total proportionate expenditure on that part of the building which is meant for the Chamber of Princes is estimated at Rs. 7,00,000, a major portion of which has already been incurred, and the annual cost of its maintenance (exclusive of the cost of electric energy and water consumed) at Rs. 11,000.

WINDING UP OF THE ARMY CANTEN BOARD (INDIA).

91. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the statement of Mr. Attlee in the House of Commons on the 28rd November, 1925, regarding the Army Canteen Board, that "recent conferences in Simla showed that the troops in India, and a great majority of commanding officers desired the winding up of the institution"?

(b) Will Government be pleased to lay on the table a copy of the minutes of the "conferences in Simla" referred to above, in so far as they relate to the Army Canteen Board?

(c) Will the Government kindly state if the Committee appointed to inquire into the working of the Army Canteen Board has submitted its report?

(d) Is it a fact that the Government have guaranteed a loan of Rs. 45 lakhs to the Army Canteen Board from the Imperial Bank of India?

Mr. E. Burdon: (a) Yes.

(b) & (c). The Committee in question has not yet submitted its final report, and until it has done so, the Government of India do not propose to consider the question of publishing any papers relating to the present state of affairs of the Canteen Board. I may, however, assure the Honourable Member that all relevant information has been placed fully at the disposal of the Committee of Inquiry.

(d) Yes.

Mr. Gaya Prasad Singh: Did I understand my friend to say that they will not publish the Report of the Committee?

Mr. E. Burdon: No, Sir, not at all. I did not say that.

Mr. Gaya Prasad Singh: Do you propose to publish the Report?

Mr. E. Burdon: I have not yet received the Report.

POSITION OF THE IMPERIAL BANK OF INDIA IN RELATION TO THE
GOVERNMENT OF INDIA.

92. ***Mr. Gaya Prasad Singh:** With reference to the reply to starred question No. 977 of the 15th September, 1925, will the Government be pleased to say:

(a) the exact position of the Imperial Bank of India in relation to the Government;

(b) the powers of the Government of India in regard to the management of the Bank; and

(c) what voice, if any, the people have in the management of the Bank?

The Honourable Sir Basil Blackett: (a), (b) & (c). I would refer the Honourable Member to the Imperial Bank of India Act, 1920, and to the agreement between the Secretary of State for India and the Imperial Bank, a copy of which was laid on the table of this House on the 17th July, 1923.

INDIAN ART IN VICEREGAL LODGE, RAISINA.

93. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph under the heading "Viceregal Lodge, Indian Art in New Raisina Residence" published in the issue of the *Forward* of 20th November, 1925, page 6?

(b) If so, will the Government please state whether the statements made therein are correct?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) If the impression is drawn from the statement that Mr. North's visit is connected in any way with the mural decoration of the new buildings, it is entirely incorrect. He has come out to India for a short period merely to advise on the lacquer, varnishing and upholstery work to be done on the furniture for the new Government House.

Mr. A. Rangaswami Iyengar: Are the Government aware of the interview which Mr. North had with a Bombay newspaper?

The Honourable Sir Bhupendra Nath Mitra: No, Sir.

Mr. Chaman Lall: May I ask, Sir, how Government justify the expenditure in view of the poverty of India?

The Honourable Sir Bhupendra Nath Mitra: The expenditure on furnishing Government House forms part of the project estimate of the New Capital, sums for expenditure on which have been voted by this House from time to time.

Mr. Chaman Lall: Is it necessary for the Government to spend all this money when people are starving in India?

RUPEE TENDERS FOR INDIAN STORES.

94. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government replies to the first supplementary question of Sir Purshotamdas Thakurdas, and the last but one supplementary question of Mr. Jamnadas Mehta to starred question No 56 regarding rupee tenders for Indian Stores asked in the meeting of the Legislative Assembly held on the 25th August, 1925, will Government please state what progress has been made in the matter between the last Delhi Session and now?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member will no doubt realise the difficulties entailed in this subject to which I have referred on several occasions in this House. He will understand, for instance, that it would be quite impossible, without undue sacrifice of economy and also without incurring undue risk of unsatisfactory supplies, to apply what may be called the rupee-tender purchase system indiscriminately to all kinds of plant and stores required by Government. The Government of India have, therefore, thought it desirable to examine in the first instance the question to what classes of stores the system could be applied without incurring the risks I have mentioned. This has necessarily involved detailed discussion with the various purchasing and consuming departments of Government, but I am able to say that these discussions have now got so far that a list of the different kinds of stores to which the system might be extended without undue risk has been compiled and is now under examination.

Mr. B. Das: Will Government be in a position to arrive at a final decision before the end of this Session on this rupee tender question?

The Honourable Sir Bhupendra Nath Mitra: I am sorry, Sir, I am not in a position to give a definite reply to that question.

UNSTARRED QUESTIONS AND ANSWERS.

PETITION OF MUNSHI BHAGAWATI PRASAD OF BENARES.

1. **Mr. O. S. Ranga Iyer:** (i) Will the Government be pleased to state if His Excellency the Commander-in-Chief has received a petition from Munshi Bhagawati Prasad, late Head Clerk of the Cantonment Office, Benares?

(ii) If the answer to the above be in the affirmative, will the Government be pleased to state what action they have taken on that petition?

Mr. E. Burdon: (i) Yes, Sir.

(ii) The petition was returned for submission through the proper channel.

IMPROVEMENT OF THE CONDITION OF THE SUGAR INDUSTRY IN INDIA.

2. **Mr. Mahmood Schamnad Sahib Bahadur:** Will the Honourable Member for Industries be pleased to state what steps he has so far taken to improve the condition of the Sugar Industry in India?

Mr. J. W. Blore: The Imperial Department of Agriculture is vigorously continuing its efforts to increase the yield of refined sugar by breeding better varieties of sugarcane. The Cane-breeding Station at Coimbatore, which was started in 1912 for all-India work, has now been placed on a permanent footing and transferred to the control of the Government of India. Up to 1924 this Station was engaged in breeding thin and medium varieties of cane for Northern India; but a scheme for expanding the activities of the Station by breeding thick canes suitable for Madras, Bombay, Burma and the Central Provinces has since been sanctioned. The promising types evolved are, after a preliminary test at Coimbatore, sent to Pusa and the provinces for further trial and propagation, if found satisfactory. One of these is doing exceptionally well in the United Provinces and the Punjab, while in North Bihar two of them are now being grown on a large scale and are giving from 50 to 100 per cent. more juice per unit area than the local varieties. For detailed information a reference is invited to the chapter on sugarcane on page 22 of the Review of Agricultural Operations in India for 1923-24, a copy of which is in the Members' Library.

IMPORTS OF FOREIGN SUGAR AND MOLASSES.

3. **Mr. Mahmood Schamnad Sahib Bahadur:** Will the Honourable Member be pleased to lay on the table a statement showing the total imports into India of foreign sugar and molasses and the cost to India thereof for the last ten years?

The Honourable Sir Charles Innes: The information is contained in the Annual Statements of the Sea-borne Trade of British India, copies of which are in the Library.

CONSUMPTION OF GUR IN INDIA, ETC.

4. **Mr. Mahmood Schamnad Sahib Bahadur:** What is the total consumption of *gur* in India and the export of *gur* from India per year? What is the proportion of the refined sugar manufactured in India to the foreign stuff imported annually?

The Honourable Sir Charles Innes: The average annual consumption of *gur* is nearly 8 million tons and export about 25 thousand tons.

The proportion of refined sugar manufactured in India to imported refined sugar was 1:4 in 1923-24.

AREA UNDER SUGARCANE CULTIVATION IN INDIA.

5. Mr. Mahmood Schamnad Sahib Bahadur: What is the extent of sugarcane cultivation in India?

Mr. J. W. Bhore: In 1924-25, the latest year for which figures are available, the total area reported under sugarcane was 2,582,000 acres.

SUGAR REFINERIES IN INDIA.

6. Mr. Mahmood Schamnad Sahib Bahadur: How many sugar refineries are there in India, and how many of them are (a) Joint Stock Companies, (b) State owned, (c) and State aided? Is it a fact that one in the United Provinces is owned by the State? If so, what is the annual output, sales, and the profits therefrom? Is it a fact that it was working at a loss in the first few years?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member's attention is invited to the following publications issued by the Department of Commercial Intelligence and Statistics, namely:

- (1) Large Industrial Establishments in India; and
- (2) Joint Stock Companies in British India and certain Indian States.

These publications show that there were 38 sugar factories coming under the heading of Large Industrial Establishments in India in the year 1923, while the number of Joint Stock Companies engaged in the manufacture of sugar (including jaggery) was 44 in the year 1922-23. Later statistics are not available.

With regard to the last parts of the question, so far as the Government of India are aware, there are no State-owned sugar refineries, nor have they information whether there are such refineries receiving State aid. The Honourable Member will no doubt realise that the development of the sugar industry is a provincial transferred subject and consequently, the information at the disposal of the Government of India is incomplete.

SUGAR BUREAU AT PUSA.

7. Mr. Mahmood Schamnad Sahib Bahadur: Is there any such body as the Sugar Bureau existing at present in Pusa? If so, what has been the record of its work since its establishment?

Mr. J. W. Bhore: Yes. During the 6 years of its existence, the Sugar Bureau has done useful work for the improvement of the sugar industry. Besides discharging its main function, which is to collect technical and statistical information relating to the sugar industry and to make it available to the public, the Bureau carries on the testing of Coimbatore seedling canes and does other important work on the agricultural, commercial and industrial sides of this industry. These activities are described in the annual reports of the Secretary of the Bureau which are included in the Scientific Reports of the Agricultural Research Institute, Pusa, copies of which publication are in the Members' Library.

INQUIRY INTO THE DEPRESSED CONDITION OF THE SUGAR INDUSTRY.

8. **Mr. Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to state whether it is their intention to cause an inquiry to be instituted by the Tariff Board into the present depressed condition of the sugar industry and to suggest proper measures for its rejuvenation?

The Honourable Sir Charles Innes: As at present advised, the Government of India do not contemplate taking the action suggested.

ESTABLISHMENT OF A CENTRAL SUGAR RESEARCH INSTITUTE AND DEMONSTRATION FACTORY.

9. **Mr. Mahmood Schamnad Sahib Bahadur:** When do the Government propose to give effect to the recommendations of the Sugar Committee for establishing a Central Sugar Institute of Research and a Demonstration Factory?

Mr. J. W. Shore: Government cannot say when they will be in a position to carry out the recommendations of the Sugar Committee in regard to the establishment of a Central Sugar Research Institute and a Demonstration Factory. The Honourable Member is no doubt aware that the proposals in question involve a heavy outlay.

GRIEVANCES ON THE EAST INDIAN RAILWAY.

10. **Baboo Runglal Jajodia:** (1) Has the attention of the Government been drawn to the following grievances against the East Indian Railway published in the *Forward* of the 3rd October?

- (a) The abolition of the old clock arrangements at the gates of the various platforms of Howrah which indicated the true time for departure of the trains with their destination has been keenly felt by the passengers specially during occasional changes of platform from which a train is scheduled to start.
- (b) The non-employment, at Howrah particularly, of ticket checkers conversant with Bengali and Hindi, as Bengali and up-country ladies are put to considerable inconvenience owing to ignorance of some of the ticket checkers of these languages.
- (c) The lack of arrangements for the proper lighting of trains, particularly of the Naihati Branch line.
- (d) The system of allowing beggars to entrain for their professional purposes.
- (e) The inadequate arrangements for examination and analysis of sweets and other food sold at stations.
- (f) Insufficient water supply in the urinals and lavatories of intermediate and third class compartments.

(2) Will the Government please inquire what action, if any, has been taken by the Railway authorities for the removal of these grievances?

(3) If the answer be in the negative, do the Government propose to recommend the adoption of proper remedies for the removal of these grievances?

Mr. G. G. Sim: (1) Government have seen the letter referred to.

(2) and (3). As regards (a), (b) and (c) the matters complained of are such as can suitably be brought to the notice of the Agent through his Local Advisory Committee.

As regards (c), (d) and (f) Government understand that the matters complained of are already under the consideration of the Agent and his Local Advisory Committee.

PROSCRIPTION OF THE *INDUSTRIAL AND TRADE REVIEW FOR INDIA*
PUBLISHED IN BERLIN.

11. **Baboo Runglal Jajodia:** (1) Is it a fact that the *Industrial and Trade Review for India* published in Berlin has recently been proscribed?

(2) If so, will the Government please state whether it is not a journal dealing primarily with industrial and commercial matters, for how long the same has been in circulation in India and what special reasons there are for proscribing it? Will the Government be also pleased to read before the House any passage, article or remarks from the said journal stating the grounds of objection held against the same?

The Honourable Sir Alexander Muddiman: (1) Yes.

(2) The journal is ostensibly a trade journal. It first came into circulation in India in January 1925. Its entry into India has been prohibited because its circulation is considered contrary to the public interest. Government are not prepared to republish any passages or articles that have appeared in the Review.

TERMS OF REFERENCE OF THE PROPOSED PUBLIC SERVICE COMMISSION.

12. **Baboo Runglal Jajodia:** (a) Will the Government please state whether the terms of reference of the proposed Public Service Commission have been drawn up?

(b) If the answer be in the affirmative, what are the terms of reference?

(c) If the answer be in the negative, will the Government consider the advisability of consulting this Legislature for settling the terms of reference?

The Honourable Sir Alexander Muddiman: I would refer the Honourable Member to the answer given by me to-day to Mr. Gaya Prasad Singh's starred question No. 15.

TERMS OF REFERENCE OF THE PROPOSED PUBLIC SERVICE COMMISSION.

13. **Baboo Runglal Jajodia:** (a) Is it a fact that Sir Abdur Rahim appended a note of dissent covering no fewer than 94 pages in print as a Member of the Public Service Commission, 1917?

(b) Are the Government prepared to consider the advisability of making a careful note of the points of dissent raised by Sir Abdur Rahim when settling the terms of reference for the proposed Commission on Public Services?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) I am afraid that I fail to appreciate the connection between the points of dissent noted by Sir Abdur Rahim and the functions of the Public Service Commission. The points raised by Sir Abdur Rahim were considered and disposed of in connection with the Islington Commission's report.

RECOMMENDATIONS OF THE PUBLIC SERVICE COMMISSION, 1917.

14. **Baboo Runglal Jajodia:** 1. Will the Government be pleased to state to what extent the following recommendations of the Public Service Commission, 1917, have been given effect to?

(a) The organisation of Public Services into higher and lower branches should be arranged on the basis of work and not on artificial distinctions of race or salary of members. (In how many cases during the last three years has this observation been ignored and what were the reasons?)

(b) The practice of recruiting military officers for civil duties should be allowed to die out. (In what way has this recommendation affected the administration of departments other than those approved by the Commission?)

2. Will the Government please state if it was the recommendation of the Public Service Commission, 1917, that "Exchange compensation allowance should no longer be paid", and if so, whether that recommendation has been given effect to? If not, why not?

The Honourable Sir Alexander Muddiman: 1. (a) All the Public Services to which the recommendations of the Islington Commission apply, are organized on the basis of work alone. There has been no departure from the general principle in any case.

(b) Military officers are no longer recruited except for those services or Departments for which their recruitment was recommended by the Commission.

2. The policy of Government in regard to Exchange Compensation Allowance is fully explained in the Finance Department Resolution, No. 591-F. E., dated the 19th March, 1922, which was published in Part I of the Gazette of India, dated the 1st April, 1922.

RECOMMENDATIONS OF THE PUBLIC SERVICE COMMISSION, 1917.

15. **Baboo Runglal Jajodia:** Will the Government please state to what extent the following recommendations of the Public Service Commission, 1917, have been given effect to, and what amount of money has been spent thereunder in the succeeding years?

(a) Scientific and Technical services like the Agricultural and Civil Veterinary departments should be recruited in India and educational institutions for the purpose should be developed in India: and

(b) Technical institutions in India should be created or expanded, Indian members should be appointed to serve on Committees for recruits, and statistics relating to the employment of members of various communities should be published every 10 years.

Mr. J. W. Shore: A statement containing the information required is laid on the table.

No.	Service or Department.	Recruitment in India.	(a) Development of educational institutions; (b) Creation and expansion of technical institutions.	Appointment of Indian members to serve on Selection Committees.	Publication of statistics relating to employment of members of various communities every 10 years.	Amount of money spent on the development of educational institutions.
1	Indian Agricultural Service.	The Secretary of State's orders on the recommendations of the Ialington Commission were received in 1920, and the policy of the Government of India now is ultimately to man this service almost completely by indigenous agency but for want of adequate training facilities, it has for the present been decided to appoint Indians to at least 80 per cent of the posts if qualified candidates are available, 28 Indians have since 1920 been appointed to this service. No Indians are appointed to this service in Burma. Pending a decision on the recommendations of the Lee Commission recruitment to this service has ceased.	With the sanction of the Secretary of State a scheme for the expansion of the Agricultural Research Institute and College at Pusa has been initiated and arrangements are being made for the gradual development of the Institute as funds become available. Since 1921 the Imperial Institute of Animal Husbandry and Dairying has been opened at Bangalore. Post-graduate courses in the special branches of agricultural science, and in Animal Husbandry and Dairying, have been introduced at Pusa and Bangalore with a view to qualify students for appointment to the superior posts in the Agricultural Service.	Indian members were appointed to serve on committees for the selection of recruits prior to the cessation of recruitment to this service.	No statistics have been published. As the Secretary of State's orders on the recommendation of the Ialington Commission were received in 1920 none are due before 1930.	As Research officers are also required to undertake training work, it is not possible to give figures regarding the amounts spent on educational institutions as such. Expenditure on education cannot be separated from that on Research and administration.
2	Indian Veterinary Service.	With the concurrence of the Secretary of State, it was decided in 1920 that as soon as proper facilities for higher training are available in India half the vacancies in this service should be filled by Indians, subject to their attaining the requisite standard of efficiency. Only one Indian has been appointed to this service since 1920, but five scholars were sent to England in September 1921 for a four years' course of training and six Provincial Service officers were put under training at Muktesar. Pending a decision on the recommendations of the Lee Commission recruitment to this service has ceased since 1924.	A two years' course to qualify officers of the Provincial Veterinary Services for appointment to the higher posts has been started in the Imperial Institute of Veterinary Research at Muktesar since 1922.	No Selection Committee for the selection of Provincial Service officers for promotion to the Indian Veterinary Service has been formed, but a Committee, which included Indian members, met to consider the merits of such officers who were recommended for a higher course of training in England, and of candidates for State scholarships.	Ditto	Ditto.

No.	Service or Department.	Recruitment in India.	(a) Development of educational institutions; (b) Creation and expansion of technical institutions.	Appointment of Indian members to serve on Selection Committees.	Publication of statistics relating to employment of members of various communities every 10 years.	Amount of money spent on the development of educational institutions.
3	Indian Forest Service.	<p>Since 1930, the recruitment of probationers has been made by :—</p> <p>(a) recruitment in England and India; and</p> <p>(b) promotion from the provincial branch of the service.</p> <p>In the case of (a) the percentage of Indians was fixed at 40 for a period of 5 years from 1921, and applied to recruitment both in India and England. As a result of the orders passed on the recommendations of the Lee Commission, the percentage of direct recruitment has been increased to 75. In Burma the percentage was fixed at 25 for five years.</p> <p>As regards (b) recruitment is at present limited to 12½ per cent.</p>	<p>The question of converting the Forest Research Institute at Dehra Dun into an institute for the training of probationers for the Indian Forest Service was fully discussed in the Legislative Assembly and the Council of State in 1923 and the matter is still under the consideration of the Government of India.</p>	<p>It is the general practice to appoint Indian members to serve on Selection Committees to interview or examine candidates for this service.</p>	<p>No statistics have been published. As the Secretary of State's orders on the recommendation of the Islington Commission were received in 1920 none are due before 1930.</p>	<p>As Research officers are also required to undertake training work, it is not possible to give figures regarding the amount spent on educational institutions as such. Expenditure on education cannot be separated from that on Research and administration.</p>
4	Archaeological Department.	<p>These two departments were not specifically dealt with by the Islington Commission, but recruitment to these services is now normally made in India.</p>	<p>There are no special educational institutions under the administration of the Government of India for the training of candidates, but in order to encourage the recruitment of Indians, six scholarships were instituted for archaeology and architecture and arrangements made for training of 2 research assistants in Zoology. Owing to financial stringency this system has been held in abeyance temporarily, but it is proposed to revive 4 of the archaeological scholarships shortly.</p>	<p>The vacancies in these departments are so rare, and the number of qualified candidates so few that the appointment of Selection Committees is not considered necessary.</p>	<p>Nil.</p>	
5	Zoological Survey of India.					

No.	Service or Department.	Recruitment in India.	(a) Development of educational institutions (b) Creation and expansion of technical institutions.	Appointment of Indian members to serve on Selection Committees.	Publication of statistics relating to employment of members of various communities every 10 years.	Amount of money spent on the development of educational institutions.
6	Survey of India.	This recommendation is not applicable to the Survey of India which was included in the second group of the Services mentioned in the Public Services Commission's Report, the personnel of which, it was recognized, should be recruited partly in Europe and partly in India. The personnel of the Class I of Imperial Branch of this Service is recruited in the main from the Army to meet the requirements of the War Reserve and also because the object of a Topographical Survey is primarily military. Proposals are, however, under consideration for the increasing Indianisation of this Service in common with other public services in India.	There are no technical institutes in India, nor are any required for the training of officers destined for service in this Department. The officers recruited are given the necessary training in the Department itself during the period of their probation.	The Selection Board for the recruitment of Class II (Provincial Service status) officers includes two non-official Indian Members. Class I officers are recruited direct from the Army or promoted from Class II service and not by a Selection Board.	No statistics have been published. As the Secretary of State's orders on the recommendation of the I. S. I. Commission were received in 1920 none are due before 1930.	
7	Geological Survey Deptt.	Officers have been recruited in India for both these services, but owing to the scarcity of qualified candidates, it has not proved possible to restrict recruitment to India.	The Govt. of India have decided to establish a School of Mines at Dhanbad to impart high grade training in Geology and Mining and it is expected that the first year class will be opened in November 1926.	Applications received in India are considered by Selection Committees which include Indian members.	Ditto	An expenditure of Rs. 7,40,000 (approximately) will have been incurred on the school up to the end of the current financial year.
8	Mines Deptt.				Ditto	
9	Indian Meteorological Service.	Recruitment to this service is made in India.	There are no special educational institutions for the training of men for recruitment to this service.	Recruitment was in the past made by the Government of India on the recommendation of the Director General of Observatories. The last permanent vacancy was filled with the help of a Selection Committee, which included two Indians.	Ditto.	

No.	Service or Department.	Recruitment in India.	(a) Development of educational institutions; (b) Creation and expansion of technical institutions.	Appointment of Indian members to serve on Selection Committees.	Publication of statistics relating to employment of members of various communities every 10 years.	Amount of money spent on the development of educational institutions.
10	Railway (superior) technical services.	The question is under consideration.	<p>As there are several Civil Engineering Institutions in India, no special steps are considered necessary for the theoretical training of Engineer recruits. It is contemplated that after recruitment probationers will be given practical training on the railways.</p> <p>Recruits for the Transportation and commercial depots, will prior to confirmation undergo a training theoretical and practical, for 3 years on the railways and at an Institution. At present the railway school of Transportation at Chandauli is utilised in giving theoretical training, but it is proposed to start a College for the training of such probationers.</p> <p>It is proposed to train the apprentices for the mechanical engineering section as below:— 3 years' practical and theoretical training in a railway workshop; 2 years' further training in higher mechanical courses in an engineering college; 2 years' further training (practical and theoretical)—on a railway in the United Kingdom and a technical College in England.</p> <p>For the training in India, existing institutions are considered sufficient.</p>	It is proposed to make the recruitment with the advice of the Public Service Commission.	...	The cost of the Transportation School at Chandauli, at which subordinates are also trained is Rs. 87,000 per annum approximately.

THE INDIAN RESEARCH FUND ASSOCIATION.

16. **Baboo Runglal Jajodia:** (a) Will the Government please state whether there is an Indian Research Fund for research into epidemic diseases?

(b) When was this fund started? What are the conditions governing its administration and is Indian opinion represented in its control and management?

(c) How many were the recipients of scholarships from this fund, stating separately Indians and Europeans and what has been the findings of their research? What steps are taken by Government for the ventilation of the results of their research?

(d) Is it a fact that in 1911 and 1911-12, Rs. 5 lakhs and Rs. 6 lakhs, respectively, were contributed to this fund from the surplus opium revenue? What further grants have been advanced and from which source towards helping this fund?

(e) To what extent have problems relating to kala azar, yellow fever, cholera and other communicable diseases been solved by the researches carried on under help from this fund?

Mr. J. W. Bhore: (a) Yes.

(b) In 1911. It is administered by a Governing Body presided over by the Honourable Member for the Department of Education, Health and Lands. A copy of the Rules and Regulations of the Fund has been placed in the Library.

(c) No scholarships are awarded from this Fund which is devoted to financing concrete research problems by approved workers, both Indian and European, after recommendation by the Scientific Advisory Board. The results of all such inquiries under the Indian Research Fund Association are published in the quarterly numbers of the Indian Journal of Medical Research and in the Memoirs.

(d) Yes. A grant of five lakhs per annum from general revenues has been made since 1911, but was withdrawn from 1923 to 1925 on the recommendation of the Incheape Committee. A reduced grant of three lakhs was sanctioned during the current year for purposes of research as laid down in the rules of the Association.

(e) Yellow fever problems have not been investigated as the disease is non-existent in India. A kala azar inquiry with branch inquiries is at present at work on the vector problem, and the geographical distribution and treatment of the disease. Cholera problems are being specially investigated at present by four inquiries in Bengal and Madras.

IMPERIAL INSTITUTE AT KENSINGTON.

17. **Baboo Runglal Jajodia:** (a) Will the Government state if among the objects of the Imperial Institute at Kensington are (i) the development of the Indian interests, and (ii) promotion of the activities for India which are most needed in England?

(b) If the answer be in the affirmative, are the Government prepared to state what Indian interests and activities have been fostered by this Institute during the last 5 years?

(c) What steps have been taken by Government for representing on the governing body of the said Institute Indian interests and opinion? Who are the gentlemen nominated by the Government to represent Indian opinion on that body?

(d) What amount has been contributed by Government since 1916 towards the maintenance of this Institute?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). A list of the purposes of the Imperial Institute, as given in the first schedule to the Imperial Institutes Act, 1924, is being supplied to the Honourable Member. He will see from this list that the Institute is not designed to further any particular national interests, but to secure, by the increase and dissemination of scientific and general knowledge relating to industrial products, the advantage of all the countries of the Empire.

(c) The Government of India are entitled to one representative on the Board of Governors. The present representative is Sir Atul Chatterjee, High Commissioner for India.

(d) £12,200.

DISPOSAL OF EX-ENEMY PROPERTY IN INDIA.

18. **Baboo Runglal Jajodia:** (a) Will the Government please state what amount is under the custody of the administrator of enemy property, what amount has been disposed of since the passing of the Enemy Trading Ordinance, 1916, and when are they expected to be fully disposed of?

(b) What is the average annual cost of administering the trust and what cost, if any, is chargeable to Central Revenues?

Mr. L. Graham: (a) It is assumed that the Honourable Member wishes to know what is the amount of ex-enemy property dealt with or remaining to be dealt with by the Custodians of Enemy Property in the various provinces, how much of such property has been disposed of, and when it is expected that the balance will be disposed of.

The amount of such property is about 2½ crores, of which about 2 crores and 8 lakhs has either been credited to the ex-enemy Governments concerned in accordance with the provisions of the respective Treaties or released. It is expected that the remaining 42 lakhs will be disposed of before the end of next year.

(b) The average annual cost of the various Custodians' establishments is Rs. 28,000. This expenditure is met from a levy of 1 per cent. on the gross proceeds of liquidation of enemy property and no portion is chargeable to Central Revenues.

INDIAN DELEGATION TO THE FORTHCOMING ASSEMBLY OF THE LEAGUE
OF NATIONS.

19. **Baboo Runglal Jajodia:** (a) Will the Government please state whether it is a fact that India is to send 4 delegates to the Geneva Conference next year?

(b) Are the Government prepared to consider the advisability of consulting the Legislature as to the particular interests which require to be represented and the persons who are to represent them?

(c) Are the Government prepared to take the views of the Legislature as to the line of action to be pursued by the representatives?

Mr. L. Graham: (a) It is understood that the Honourable Member refers to the Assembly of the League of Nations. Under the Assembly's rules of procedure the number of each Member's representatives, excluding substitute representatives, must not exceed three.

(b) and (c). The Honourable Member is referred to the reply given to question No. 1778 on the 11th September, 1924. The answer is in the negative.

LIQUIDATION OF THE BRITISH EMPIRE EXHIBITION.

20. **Baboo Runglal Jajodia:** (a) Will the Government please state whether it is a fact that the British Empire Exhibition has been placed in the hands of liquidators?

(b) Will they further state what was the financial position of the Indian Section before any such decision was arrived at?

(c) How many parties and firms of British India participated in the Exhibition and to what extent are those respective parties losers?

(d) What is also the extent of the loss to Indian revenues and what is the total outlay from the funds of the Government of India for the Exhibition?

(e) Will they state what direct or indirect advantage has accrued to India owing to its participation in the Exhibition?

The Honourable Sir Charles Innes: The Exhibition having come to an end, the disposal of the assets has been placed in the hands of liquidators. It is understood that the guarantors of the Exhibition are being called upon to pay up a portion of their guarantees. But neither the Government of India nor any Provincial Government nor the private exhibitors as such were guarantors of the Exhibition, and they have no liability for any share of the loss on the Exhibition as a whole. For the rest of the question, I refer the Honourable Member to (1) the Honourable Mr. Chadwick's reply to question No. 111 in the Council of State on 9th September last, and (2) page 70 and Chapter VI of the Report of the Commissioner for India for the British Empire Exhibition, copies of which are in the Library.

ROYAL ARMY TEMPERANCE ASSOCIATION.

21. Baboo Runglal Jajodia: (a) Will the Government be pleased to state whether the Royal Army Temperance Association has been closed down in India and if so, when?

(b) What was the number of statutory Indian Members of the Association?

(c) Will the Government please state what further steps have been taken to provide for the question of temperance in the Army in India?

Mr. E. Burdon: (a) and (c). The attention of the Honourable Member is invited to the reply given on the 22nd September, 1924, to starred question No. 2298.

(b) Government are informed that there were no Indian Members on the Governing Council or the Executive Committee of the Association, which was formed to deal with British troops only.

CONTRIBUTIONS FROM THE INDIAN EXCHEQUER TO OVERSEAS MILITARY INSTITUTIONS.

22. Baboo Runglal Jajodia: (a) Will the Government be pleased to state what contributions have been made annually during the last 5 years from the Indian exchequer to various military institutions, naval and military colleges, gunnery and artillery schools and other similar institutions overseas?

(b) Are Indians admitted in those institutions without any discrimination?

(c) If the answer to (b) be in the affirmative, what is the number of Indians admitted during the last 5 years?

(d) If the answer to (b) be in the negative, will the Government state what steps have been taken to prevent any racial distinction being made in future?

Mr. E. Burdon: (a) So far as the military institutions are concerned, the answer is that Government are not in a position to furnish the Honourable Member with the information he desires as no separate contribution is made from Indian revenues towards the cost of the various educational and instructional establishments maintained in the United Kingdom for the training of British troops, etc.

The Government of India are not in any way connected with the naval institutions, as the administration of the Royal Navy is entirely in the hands of His Majesty's Government.

(b) Indians are at present admitted to the Royal Military College, Sandhurst, only. There are no Indians in the Royal Navy, the administration of which, as I have already stated, is in the hands of His Majesty's Government.

(c) 51 Indian candidates have since 1921 been admitted to the Royal Military College, Sandhurst.

(d) The question of the admission of Indians to the commissioned ranks of the Royal Artillery, the Royal Engineers and the Royal Air Force Services in India is still under the consideration of His Majesty's Government.

INDIANISATION OF THE ARMY IN INDIA.

23. **Baboo Runglal Jajodia:** (a) Will the Government be pleased to state how many King's Commissioned Indian officers have been transferred, since the introduction of the Reforms, to the regiments and battalions to be Indianised?

(b) What is the total number of regiments and battalions proposed to be Indianised?

(c) What is now the total number of such officers in those units?

Mr. E. Burdon: (a) and (c). The information desired is given in the statement laid on the table.

(b) 8.

Statement showing the number of Indian officers with the King's commission, who have been transferred, or appointed to each of the Indian units selected for Indianisation.

7th Light Cavalry	.	.	.	.	.	.	.	.	4
16th Light Cavalry	.	.	.	.	.	.	.	.	3
2-1st Punjab Regiment	.	.	.	.	.	.	.	.	2
5-5th Mahratta Light Infantry	.	.	.	.	.	.	.	.	3
1-7th Rajput Regiment	.	.	.	.	.	.	.	.	3
1-14th Punjab Regiment	.	.	.	.	.	.	.	.	3
4-19th Hyderabad Regiment	.	.	.	.	.	.	.	.	3
2-1st Madras Pioneers	.	.	.	.	.	.	.	.	2
									<hr/>
Total	.	.	.	.	.	.	.	.	23

TRANSFER OF THE RECRUITMENT FOR CERTAIN SERVICES AND APPOINTMENTS FROM THE SECRETARY OF STATE TO THE HIGH COMMISSIONER FOR INDIA.

24. **Baboo Runglal Jajodia:** Will the Government be pleased to state whether the recruitment for certain services and appointments for India has been transferred from the Secretary of State to the High Commissioner for India and, if so, which are the services and appointments in question?

The Honourable Sir Alexander Muddiman: Yes. A copy of the list of services and posts recruitment for which has been transferred to the High Commissioner for India is laid on the table.

List of services and posts recruitment for which has been transferred to the High Commissioner for India.

1. Librarian, Imperial Library.
2. Keeper of the Records, Government of India.
3. Bacteriological Officers (Non-service).
4. Town-planning experts.
5. Imperial Meteorologists.
6. Mines—Inspectors and Chief Inspector.
7. Explosives—Inspectors and Chief Inspector.
8. School of Mines and Geology—Principal.
9. N. I. Salt Revenue Department—Commissioner, Deputy Commissioners, Assistant Commissioners and Superintendent.
10. Printing and Stationery—Controller and other officers.
11. Patents and Designs—Controller.
12. Electrical Adviser to Government of India.
13. Metallurgical—Inspectors and Assistant Inspectors.
14. Local Manufactures—Superintendents and Deputy of, and Chemist in Government Test House.
15. Indian Stores Department—Chief Controller and other officers.
16. Ordnance Mechanics—Chief Civil Master Armourers, Principal Foreman, Foremen, Assistant Foremen and other graded as such.
17. Appointments made in the United Kingdom to the staff of the Lawrence Military School, Sanawar.
18. Royal Indian Marine Dockyard staff other than Chief Constructor, Constructor, Assistant Constructor and Electrical Engineer.
19. State Railway—Coal and Mining Department and Covenanted staff.
20. Engraver and Head Engraver, Survey Office.
21. Photo-Litho Staff, Survey Office—2 Managers, 4 Assistant Managers.
22. Mathematical Instrument Office Staff—Survey Office—Officer in Charge, Works Manager, 2 Assistant Managers.
23. Drawing Office Staff, Survey Office—1st Division Assistant.
24. Cinchona Plantations—Superintendent.
25. North-West Frontier Province—Agricultural Officer.
26. European Carpenter, Forest Department.
27. European Gardeners under Government of India.
28. Curator, Industrial Section, Indian Museum, Calcutta.
29. Posts and Telegraphs Department—Subordinate wireless personnel, Cable Foremen, Foreman and Assistant Superintendents of Telegraphic Workshops. Instrument Mechanicians for workshop and telegraph and telephone offices.
30. Appointments in the Zoological Survey.
31. All appointments made by the Local Governments of Governors' provinces to posts and services under their control.
32. All appointments made by the Government of India for service under Chief Commissioner.

**TRANSFER OF AGENCY FUNCTIONS FROM THE SECRETARY OF STATE TO THE
HIGH COMMISSIONER FOR INDIA.**

25. Baboo Runglal Jajodia: Will the Government be pleased to state in what respects the Secretary of State is still carrying out the functions of the agent of the Government of India and whether the transference of those or any of those agencies to the High Commissioner for India is under consideration?

The Honourable Sir Charles Innes: There is little, if any, business now performed by the Secretary of State which can properly be described as agency for the Government of India.

**COST OF OPEN COMPETITIVE EXAMINATIONS HELD IN INDIA AND
OVERSEAS FOR CERTAIN SPECIFIED YEARS.**

26. Baboo Runglal Jajodia: (a) What was the approximate gross cost, exclusive of overhead charges of each of the concurrent open competitive examinations in India and overseas in 1911, 1912, 1913, 1921, 1922, 1923, 1924 for the Indian services, civil and military?

(b) What was the total number of vacancies filled as a result of each of these competitions, and what was the percentage of Indians to the total number of recruits during these years?

The Honourable Sir Alexander Muddiman: The information is being collected and will be supplied to the Honourable Member in due course.

**INDIA'S CONTRIBUTIONS TO HIS MAJESTY'S GOVERNMENT ON ACCOUNT
OF CAPITATION FOR BRITISH TROOPS.**

27. Baboo Runglal Jajodia: (a) What were the annual contributions made by India to His Majesty's Government in 1923, 1924 and 1925 through the capitation rate?

(b) Were the contributions distributed among various military training institutions and establishments in the United Kingdom? If so, what was the number of institutions of various denominations, and what was the number of recruits of different denominations in each of the institutions in these years?

(c) Is the cost of the education of British soldiers who serve for less than five years in India repaid to the Indian Government by the British Treasury?

(d) Are Indians admitted to the artillery schools and is India contributing directly or indirectly through capitation grants to the cost of such schools?

(e) What is the number of Indians under training at military institutions both in India and in England for King's Commissioned rank in the Artillery, the Tank Corps, the Air Force?

Mr. E. Burdon: (a) The amounts paid by India to His Majesty's Government on account of capitation for British troops and airmen during the periods in question are as follows:

	£
1923-24	1,799,700
1924-25	1,552,600
1925-26 (estimated)	1,500,000

(b) The Government of India have no information on the subject but they presume that no definite allocation takes place.

(c) No.

(d) The answer to the first part of the question is that Indians are not admitted to the artillery training institutions in the United Kingdom. With regard to the second part, the attention of the Honourable Member is invited to the reply given on the 11th February 1924 to starred Question No. 219 and the supplementary questions.

(e) None.

NUMBER OF INDIANS IN UGANDA, KENYA, TANGANYIKA, ETC.

28. Baboo Runglal Jajodia: Will the Government be pleased to state what is the number of Indians resident in Uganda, Kenya, Tanganyika, Nyasaland and other parts of African Settlement, and whether the number shows any decrease or increase during the last 2 years?

Mr. J. W. Bhore: 56. A statement is laid on the table giving the information required. The second part of the question cannot be answered as no census of the population has been taken since 1921.

Statement.

Name of country.	Indian population.	Date of Census.
1. Uganda	5,604—Asiatics. Chiefly Indians.	1921
2. Kenya	27,822	1921
3. Tanganyika	9,411	1921
4. Zanzibar	12,841	1921
5. Nyasaland	515	1921

INVESTIGATION INTO THE CAUSES OF STRIKES ON RAILWAYS AND IN THE MILL INDUSTRY.

29. Baboo Runglal Jajodia: (a) Will the Government please state the total number of strikes during the last three years in the principal mill industries and Railways in India, stating therein the number of operatives involved, the number of casualties and injured and the main points at issue in each case?

(b) What steps have been or are proposed to be taken to investigate the causes of these industrial conflicts?

The Honourable Sir Bhupendra Nath Mitra: (a) The total number of disputes reported in the cotton mills, jute mills, woollen mills, oil mills, flour mills, paper mills, saw mills, and Railways in 1922, 1923, and 1924, was 437. The number of persons involved was approximately 8,70,000. No particulars of casualties are collected and in the great majority of strikes casualties do not occur. The main point at issue was; in 185 cases,

the enhancement or reduction of pay, in 44 cases the payment of bonus, in 108 cases the dismissal or reinstatement of employees, and in 80 cases the question of hours of work or holidays. Various points accounted for the other disputes.

(b) The Government of India endeavour to collect particulars of all industrial disputes and of their causes.

SETTLEMENT OF AMOUNTS IN DISPUTE BETWEEN THE INDIAN GOVERNMENT AND THE WAR OFFICE.

80. Baboo Runglal Jajodia: (a) Will the Government please state whether the negotiations with His Majesty's War Office regarding the amounts outstanding between it and India have been brought to a close?

(b) If the answer be in the affirmative, what is the position of India in respect of her dues or liabilities?

(c) If the answer be in the negative when is the negotiation expected to be closed, and will India be allowed any compensation in respect of her long-standing dues from the War Office?

The Honourable Sir Basil Blackett: Negotiations are still in progress, and I hope that a conclusion satisfactory to India will shortly be reached; but I am not yet in a position to make any further statement.

APPOINTMENT OF INDIANS TO THE STAFF DEPARTMENTAL SERVICES OF THE ARMY IN INDIA.

81. Baboo Runglal Jajodia: (a) Will the Government please state whether there is any bar to the appointment of Indians to the Staff Departmental Services of the Army in India for which British officers of the Indian Army are eligible?

(b) If the answer be in the affirmative, what is the number of Indian officers so appointed in 1922—1925, and what is their proportion to the total number of recruits for such services during those years?

Mr. E. Burdon: (a) and (b) The attention of the Honourable Member is invited to the reply given on the 24th March, 1925, to starred Question No. 1278.

TRANSFER OF CERTAIN APPOINTMENTS HELD BY INDIAN MEDICAL SERVICE OFFICERS TO THE PROVINCIAL MEDICAL SERVICES.

82. Baboo Runglal Jajodia: Will the Government please state what decisions have been arrived at regarding:

(a) the transfer of certain appointments ordinarily held by Indian Medical Service officers to the Provincial Medical Services in the various services as recommended by the Medical Service Committee in 1922: and

(b) the question of medical research and the reduction of the military assistant surgeons and sub-assistant surgeons forming part of the recommendations?

Mr. E. Burdon: (a) The Medical Services Committee did not make any recommendation on this subject.

(b) No recommendation was made by the Medical Services Committee in regard to (i) medical research and (ii) reduction in the military cadre of assistant surgeons and sub-assistant surgeons. If, however, the Honourable Member is referring to the recommendations of the Indian Retrenchment Committee on these two points, the reply is as follows.

- (i) In consequence of the recommendations of the Indian Retrenchment Committee, the annual grant of Rs. 5,00,000 given to the Indian Research Fund Association was stopped, the post of Director of Medical Research was held in abeyance, the scheme for the Delhi Research Institute was postponed, and eleven posts in the Medical Research Department were left unfilled. Later developments, however, have necessitated the revival of two of the unfilled appointments, and a grant of Rs. 3,00,000 to the Research Fund Association. Proposals to restore the original grant of Rs. 5,00,000 to the Association and to fill four more posts are under consideration.
- (ii) A reduction of sixty-five military assistant surgeons and nineteen military sub assistant surgeons has been carried out.

ADMISSION OF INDIANS TO MILITARY TRAINING INSTITUTIONS IN GREAT BRITAIN.

33. Baboo Runglal Jajodia: (a) Will the Government please state whether there are military training institutions in England in receipt of direct or indirect contribution from India as a result of the capitation grant, which exclude the admission of Indians on principle?

(b) If the answer be in the affirmative, will the Government please state:

- (i) the total number of such institutions,
- (ii) the total amount of contributions during the last three years;
- (iii) whether the exclusion of Indians is under orders of the War Office, and
- (iv) whether the question of the admission of Indians to institutions enjoying a subsidy from India has been, or is proposed to be, taken up for consideration?

Mr. E. Burdon: (a) and (b) As has been stated in answer to previous questions, the only military training institutions in Great Britain to which Indians are admitted is Sandhurst, the reason being that Sandhurst is the training college for officers of the cavalry and infantry, and Indians are at present eligible for appointment as King's commissioned officers in these two arms alone on the combatant side. Government have no information whether any proportion of the capitation rates is definitely earmarked by His Majesty's Government for expenditure on military training institutions, but this is probably not the case. The fact that Indians are not admitted to other arms of the service, nor consequently, to other military training institutions is, as the Honourable Member surmises, a decision of His Majesty's Government. As the Honourable Member is aware, the question of employing Indians as King's commissioned officers in other combatant arms is under consideration.

PROVINCES IN WHICH THE MUSSALMAN WAQF ACT IS IN FORCE.*

84. **Mr. Gaya Prasad Singh:** Will the Government kindly state what Local Governments have up to now given effect to the Mussalman Waqf Act (Act XLII of 1923) and since when?

The Honourable Sir Alexander Muddiman: The Government of India have no information later than that given in reply to the Honourable Khan Bahadur Moulvi Aman Ali's question in the Council of State on the 25th of August, 1925, to which I invite a reference by the Honourable Member. Briefly, that information was to the effect that the Act has been brought into force, with the exception of section 6, in the Punjab, without exception in the United Provinces and in six districts in Burma and in the Bombay Presidency, except in respect of *waqfs* established for the benefit of the Dawoodi Borah community.

ADVERTISEMENTS RELATING TO RAILWAY TIMINGS.

85. **Mr. Gaya Prasad Singh:** (a) Is it a fact that advertisements of Railway timings and changes made therein are sent out to a few leading newspapers for publication for the information of the public?

(b) If so, will the Government kindly state to what newspapers in the Province of Bihar and Orissa such advertisements are sent for publication?

(c) Do the Government propose to ask the Bengal Nagpur Railway and the East Indian Railway administrations to send such advertisements to the *Searchlight* of Patna also, for the information of the local public?

Mr. G. G. Sim: (a) Yes.

(b) Government have no information.

(c) No, the matter is within the competence of the Agents.

INTRODUCTION OF UPPER CLASS COUPÉ COMPARTMENTS ON THE BENGAL AND NORTH-WESTERN RAILWAY.

86. **Mr. Gaya Prasad Singh:** Are Government aware if any steps have been taken by the Bengal and North-Western Railway administration for the introduction of upper class coupé compartments on that line; and when are such improvements going to be effected?

Mr. G. G. Sim: The Government of India do not know whether there is any public demand for the introduction of such compartments or whether it would pay the Railways to introduce them. It is a matter for the Railway Administration to consider.

PREVENTION OF FLOODS IN THE EAST INDIAN RAILWAY.

87. **Mr. Gaya Prasad Singh:** With reference to the reply given by Government to starred question No. 11 of the 25th August, 1925, regarding floods, are the Government prepared to state the result of "certain inquiries and surveys" with the object of preventing damage to the East Indian Railway line by floods in the Sone area near Koilwar in Bihar?

Mr. G. G. Sim: The East Indian Railway Administration have submitted a report on the floods in the Sone river with proposals for their control, which, after consideration by the Railway Board, was referred back to the East Indian Railway for further report.

PROHIBITION OF THE EXPORT OF BONES AND BONE DUST.

38. Mr. Gaya Prasad Singh: (a) Is it a fact that bones and bone-dust have a great fertilizing power; and will the Government be pleased to say if they propose to prohibit their export from India in the interest of agriculture?

(b) What is the average quantity and value of such export annually?

Mr. J. W. Bhore: (a) Bone manure is a valuable fertiliser for soils which are deficient in phosphates; but the area of such soils in India is limited. Of the bone manure manufacture, about 4 per cent. only is consumed in this country, and even during the war, when the price of this manure was low and the export demand weak, 10 per cent. only of the total production was consumed in India. The Board of Agriculture in India at its meeting in 1922 considered it doubtful if the prohibition or restriction of export of bones, fish manure and other phosphatic manures would lead to their being used in greater quantities by the Indian ryot. The Government, therefore, as at present advised, do not consider it necessary to prohibit their export from India; but the Honourable Member may rest assured that Government are alive to the importance of conserving and developing the manurial resources of the country.

(b) The average annual export during the years 1922-23 to 1924-25 was 83,750 tons and the average value Rs. 95,85,000.

RESOLUTION RE THE SUPPLY OF GANGES WATER BELOW NARORA.

39. Mr. Gaya Prasad Singh: With reference to my starred question No. 28 of the 25th August, 1925, regarding the Resolution passed by the Council of State, regarding supply of Ganges water, will the Government be pleased to state the reasons given by the Government of the United Provinces for not giving effect to the above Resolution?

The Honourable Sir Bhupendra Nath Mitra: The attention of the Honourable Member is invited to the letter from the Government of the United Provinces, which has been laid on the table in reply to Khan Bahadur Sarfaraz Hussain Khan's starred question (No. 69), on the same subject.

BROADCAST RECEIVER LICENSES, ETC.

40. Mr. N. M. Dumasia: Will Government be pleased to state the number of (1) Broadcast receiving licenses, (2) Wireless transmitting licenses, commercial and non-commercial, and (3) Wireless import licenses current at a recent date?

Mr. G. P. Roy: The following figures give the information for 31st December last:

(1) Broadcast Receiver Licenses	. . . . .	1,436
(2) Licenses for fixed Stations—		
(a) Limited-Commercial	. . . . .	7
(b) Non-Commercial	. . . . .	79
(3) Import (Wireless Telegraphs) Licenses	. . . . .	289

INTRODUCTION OF REFORMS IN THE NORTH-WEST FRONTIER PROVINCE.

41. Lala Duni Ohand: Is there any proposal under the consideration of the Government of India to give some sort of Reforms to the North-West Frontier Province? If so, will the Government be pleased to state the nature of the Reforms proposed?

Sir Denys Bray: The Honourable Member is referred to the speech by me in the Council of State on the 16th March, 1925, in the course of the North-West Frontier debate.

NON-RECEIPT OF MEDALS BY MEN WHO SERVED IN NON-COMBATANT UNITS DURING THE GREAT WAR.

42. Colonel Sir Henry Stanyon: 1. Are the Government aware:

- (a) that many men—Europeans, Anglo-Indians and Indians—recruited from the Railways, Telegraphs and other sources in India, who served in the War in Mesopotamia, East Africa and elsewhere, in temporary non-combatant units (long since disbanded), have never received their medals?
- (b) that medal rolls were sent in by such units some seven years ago, and that in many cases nothing has been heard since?
- (c) that individual applications submitted after disbandment remain unanswered, and that the men concerned do not know how to get the medals for which they have been recommended?

2. Are Government aware that a widespread and growing dissatisfaction and loss of confidence in the good faith and justice of Government have been caused by such treatment?

3. What action do Government propose to take in the matter, and when?

Mr. E. Burdon: 1. (a) The Government of India believe the facts to be generally as stated by the Honourable Member in so far as the British War Medal and the Victory Medal are concerned. The main reason is that His Majesty's Government only consented to the grant of medals to civilians, on the conditions now laid down, in 1924, after repeated recommendations from the Government of India. The decision was announced in Army Instruction (India) No. 214, dated the 26th February, 1924. The comparatively small number of claims which had been received on behalf of civilian personnel to the 1914 Star and the 1914-15 Star had already been completed and the medals issued before the War Office raised objections to the issue of medals to civilians.

(b) The medal rolls could not have been sent in so long as 7 years ago, as orders for the submission of claims to the British War and Victory Medals were only issued in 1921, but it is undoubtedly a fact that the long period which elapsed before the War Office consented to the grant of these medals caused a very large number of civilian claims to remain uncompleted with. It is now impossible to issue medals except in response to individual applications, as the units have long since been disbanded and the present addresses of the men are not known.

(c) I am not aware that individual applications now remain unanswered for any length of time. The Medal Section of the Army Department at 6, Esplanade, Calcutta, deals as promptly as possible with all claims received. It is of course immensely handicapped in this work by

the initial delay which I have already mentioned. The medal rolls of civilian personnel are now in the charge of the Field Controller of Military Accounts, Poona. Any individual who sends in a claim whether to the Government of India, or Army Headquarters, or the Medal Section, or to the Field Controller direct, has the receipt of his claim acknowledged at once by the Medal Section and the claim itself forwarded for verification to the Field Controller. On receipt of verification the Medal Section issues the Medal.

2. The Government of India are aware that the position is unsatisfactory, but do not think that it has caused discontent to the degree suggested by the Honourable Member. Any individual who now bestirs himself to obtain his medals can do so in a comparatively short time.

3. Government are doing all that they can in the matter, but they have been handicapped as already indicated, by circumstances beyond their own control including to some extent, the apparent apathy of civilian claimants themselves. I may mention that the Medal Section has already received and dealt with over 50,000 claims from civilians since the War Office admitted the eligibility of civilians in 1924. The whole question has been receiving special attention from Government during the past year and more.

THE SOUTH AFRICAN CLASS AREAS BILL.

48. **Mr. M. K. Acharya:** Will the Government be pleased to state:

- (1) in what parts of the South African Union Indians are at present settled and in what numbers;
- (2) whether under the Gandhi-Smuts Agreement they now enjoy equal rights of citizenship with white settlers in the matter of trade facilities, holdings of real property, and electoral franchise; and if they do not, in what respects are they under any disability;
- (3) what the objects and reasons are of the Class Areas Bill now in course of legislation by the Union Parliament;
- (4) on what date the above Bill was introduced, and on what date or dates, the Government of India have made their representations to the Union Government regarding the Bill in question;
- (5) why the Government did not consult the Indian Legislatures on the subject in September last; and
- (6) whether Government will place on the table the correspondence between them and the Union Government with regard to the Bill in question?

Mr. J. W. Bhore: (1) Indians are settled in all the four provinces of the Union of South Africa, and according to the census taken in 1921 their numbers are as follows:

Natal	...	...	...	141,326
Transvaal	...	...	...	13,405
Orange Free State	...	...	...	100
Cape Colony	...	...	...	6,498
TOTAL				161,329

(2) The only assurance given by the Minister of the Interior was that it was the desire of the Government that existing laws should be administered in a just manner with due regard to vested interests. Mr. Gandhi in his letter of June 30th, 1914, expressly stated that he had been unable to include in the programme of the passive resistance movement, many matters in respect of which Indians were then under disabilities.

(3) For the objects and reasons of the Areas Reservation and Immigration and Registration (Further Provision) Bill I would refer the Honourable Member to the speech delivered by the Honourable Dr. D. F. Malan (Minister of the Interior) when introducing the Bill in the House of Assembly of the Union Government and to the provisions of the Bill itself. Copies of both of these have been placed in the Library of the House.

(4) The Bill in question was introduced in the House of Assembly on the 23rd July, 1925 and since that date representations have been made against its provisions both on grounds of principle as well as of detail in the course of the negotiations which the Government of India are carrying on with the Union Government.

(5) In September last the Government of India consulted the members of the Standing Emigration Committee which is composed of 4 members of the Council of State and 8 members of the Legislative Assembly, nominated from panels elected by each House. In addition the advice and co-operation of the Honourable Sir Deva Prasad Sarvadhikary, Pandit Moti Lal Nehru and Mr. Jinnah was also sought in the matter. The subject was also discussed in the Council of State on the 10th September, 1925, with reference to the Honourable Sir Deva Prasad Sarvadhikary's Resolution regarding the protection of the rights of Indians in South Africa.

(6) As the matter is still the subject of negotiation between the Government of India and the Union Government, I regret I am unable to comply with the Honourable Member's request.

NUMBER OF ASSISTANT TRAFFIC SUPERINTENDENTS, TRAFFIC INSPECTORS,
ETC., ON THE GREAT INDIAN PENINSULA, EAST INDIAN AND NORTH
WESTERN RAILWAYS.

44. **Haji Wajihuddin:** 1. Will the Government be pleased to state the total numbers of Assistant Traffic Superintendents, Traffic Inspectors, Commercial Inspectors, and Traffic Canvassers on the Great Indian Peninsula and East Indian Railways and in the subordinate service of the North Western Railway?

2. How many of them are (a) Europeans or Anglo-Indians, (b) Hindus, (c) Muslims, and (d) Sikhs?

Mr. G. G. Sim: 1. & 2. The information asked for is not available. The Government do not consider that it would serve any useful purpose to have the information collected. I would, however, refer the Honourable Member to Chapter V and Appendix G of Volume I and Appendix C of Volume II of the Report on Indian Railways for 1924-25 and to the Railway Board's Classified List, copies of which publications are in the Library.

[DISADVANTAGEOUS POSITION OF MUHAMMADANS WITH REGARD TO THEIR
REPRESENTATION IN PUBLIC SERVICES.

45. Haji Wajihuddin: Will the Government be pleased to state what action they have taken on the points raised by the deputation which waited on His Excellency the Viceroy in Simla, to draw his attention to the disadvantages under which the Muhammadans are, in the opinion of the deputation, placed in the matter of their share in the public services of the country?

The Honourable Sir Alexander Muddiman: A reply to the deputation explaining the whole position is under preparation and will, it is hoped, be issued shortly. A copy will be supplied to the Honourable Member.

CONTINUATION BY THE NORTH WESTERN RAILWAY OF THE CONTRACT
WITH THE COOLY CONTRACTOR AT DELHI RAILWAY STATION.

46. Haji Wajihuddin: 1. Will the Government please state (a) the total emoluments of the cooly contractor at Delhi railway station, (b) the total number of coolies working as luggage porters at Delhi station, (c) the amount each cooly has to pay to the contractor per month or per day as his honorarium, (d) the name of the present contractor, (e) when the period of present contract expires, (f) what is the common procedure of giving contracts, (g) what qualifications are required for the contractors, (h) if it is a fact that there have been many complaints of maltreatment, even of assault on passengers by coolies but that yet the contract continues undisturbed?

2. Is it a fact that on taking over the Delhi Umbala Kalka Railway the North Western Railway gave notice to the present contractor of the termination of his contract but that they changed their mind and have continued the contract in his name for another year?

Mr. G. G. Sim: 1. (a), (b) and (c). Besides the cost of uniform and badges, the cooly contractor at Delhi railway station realises from each cooly a sum of annas 0-4-0 per diem. He is authorised to employ a maximum of 400 coolies. Out of the amount realised from the coolies, the contractor has to defray the expenses of office establishment, supervisors and mates, all of whom are employed in connection with the licensed coolies.

(d) Mr. Halpin.

(e) 31st December, 1926.

(f) and (g). In making the selection the railway authorities satisfy themselves that the candidate is a suitable person in all respects for such an appointment and is capable of handling labour. Vacancies as they occur are filled by appointing the most suitable man available.

(h) and 2. Government have no information.

**GRANT TO A NON-MUSLIM OF THE CONTRACT FOR THE MUSLIM
REFRESHMENT ROOMS AT BAROG AND DELHI.**

47. **Haji Wajihuddin:** (a) Is it a fact that a non-Muslim holds the contract for the Muslim refreshment rooms at Barog and Delhi?

(b) Is there a single instance of a Muhammadan holding a contract for the supply of Hindu food and refreshments?

Mr. G. G. Sim: The Honourable Member is referred to the answer given, on 14th September, 1925, in this Assembly to question No. 180 asked by Mr. Abdul Haye. As promised therein, a copy of the question and answer was sent to the Agent.

**GRANT TO A MARWARI OF THE CONTRACT FOR THE SUPPLY OF INDIAN
REFRESHMENTS ON THE BENGAL NAGPUR RAILWAY.**

48. **Haji Wajihuddin:** Is it true that a Marwari has been given the monopoly for the supply of Hindu and Muhammadan food to passengers on the whole of the Bengal Nagpur Railway from Nagpur to Howrah?

Mr. G. G. Sim: Government understand that on one section of the Bengal Nagpur Railway a Marwari holds a contract from the Railway and grants sub-contracts to Muhammadans under railway supervision and approval.

MONOPOLY FOR THE SUPPLY OF INDIAN REFRESHMENTS ON RAILWAYS.

49. **Haji Wajihuddin:** Is there any circular issued by the Railway Board that as far as possible Railways should not give monopolies for the supply of Indian refreshments and what steps have Government taken to see that it is properly observed?

Mr. G. G. Sim: The reply to the first part of the question is in the negative and the second part does not, therefore, arise.

SUPPLY OF INDIAN REFRESHMENTS ON RAILWAYS.

50. **Haji Wajihuddin:** 1. Are Government aware that the Indian food supply on the Great Indian Peninsula Railway is very popular and are they prepared to direct other railways to copy the same?

2. (a) Is it a fact that in one of their circulars, communicated to the Imperial Legislative Council, the Railway Board said that the Great Indian Peninsula arrangements for supply of Indian food had been represented to them to be very satisfactory and that they had asked other Railways to copy them?

(b) From whom did Government receive the representation referred to in the circular?

(c) Will Government lay on the table a copy of that representation as also a copy of the Railway Board circular?

(d) What action have the Railways taken on that circular?

Mr. G. G. Sim: 1. Government are aware that the question of the supply of foodstuffs to passengers has received the careful attention of railway administrations and their Advisory Committees and they do not propose to take the action suggested.

2. (a), (b) and (d). In a letter to the Railway Board in 1915 the General Secretary to the Passenger Protecting Society of India complained that the arrangements for the supply of foodstuffs on the Oudh and Rohilkhand Railway were not as satisfactory as on the Bombay, Baroda and Central India, Great Indian Peninsula and North Western Railways. On inquiry the Railway Board found that instructions issued to the staff of the Great Indian Peninsula Railway in connection with licenses for the sale of refreshments at stations were very suitable and they addressed the three State-worked Railways, namely, the North Western, Oudh and Rohilkhand and the Eastern Bengal Railways to adopt similar rules, which they did. A copy of that letter was not communicated to the Imperial Legislative Council.

(c) No.

INADEQUACY OF MUHAMMADAN REPRESENTATION IN GOVERNMENT SERVICE IN AJMER-MERWARA.

51. **Haji Wajihuddin:** (a) Has the attention of the Government been drawn to the article published in the *Muslim Outlook*, dated 16th August, 1925, which portrays the condition of the Muslims in Ajmer-Merwara Government service?

(b) Will the Government be pleased to state if it is true that out of 46 posts in the Government service there is only one held by a member of that Muslim community and that the rest are held by others?

(c) What action have the Government taken to safeguard Muslim interests there?

Sir Denys Bray: (a) Yes.

(b) The list printed by the *Muslim Outlook* is hardly calculated to give a fair impression of the actual position as regards the present distribution of superior Government posts in Ajmer-Merwara as between Hindus and Muhammadans. The attached list compiled from information supplied by the Chief Commissioner shows that out of 73 posts of a superior nature 27 are held by Muhammadans and 46 by Hindus.

(c) In view of the fact that Muhammadans number about one-third of the urban and one-fifth of the rural population of Ajmer-Merwara it would appear from these statistics that the need for special measures to safeguard their interests in this respect has not been clearly established. The local Administration are not unmindful of the matter and, when replying to a deputation from the Provincial Muslim League in November, 1924, the Chief Commissioner pointed out that statistics of recruitment for the clerical and revenue services since March 1920 showed that 16 Muhammadans had been recruited as against 21 Hindus.

The Government of India however propose to forward a copy of this question and answer to the Chief Commissioner with a view to his keeping in

mind the undesirability of any one community obtaining an unduly disproportionate share of posts in Government service.

Appointment.	Hindu.	Muhammadian	REMARKS.
Additional Sessions Judge . . . . .	...	1	
Public Prosecutor . . . . .	...	1	
Small Cause Court Judge	1	...	
Sub-Judge	1	...	
Treasury Officer	1	...	
Manager, Court of Wards	1	...	
	(Jain)		
Excise Superintendent	1	...	
Excise Sub-Inspectors	4	3	
Co-operative Society Registrar	1	..	
Co-operative Society Officers . . . . .	..	2	
City Magistrate	1	...	
Railway Magistrate	1	...	
Sub-Divisional Officer	1	...	
Superintending Engineer	1	...	
Assistant Superintendent, Education	1	...	
Sub-Registrar	1	...	
Superintendent of Office	1	...	
Tahsildars	2	...	
Naib-Tahsildars	4	2 (a)	(a) The 2 Income-tax Naib-Tahsildars are at present on foreign service, 1 in a Court of Wards establishment in Ajmer and 1 in Tonk State.
Assistant Surgeons	2	...	
Sub-Assistant Surgeons	7	2	
Deputy Superintendent of Police	1	..	
Inspectors of Police	1	1	
Sub-Inspectors of Police	12	15	
	46	27	

As regards the Police Forces it may be observed that out of 87 Head Constables 59 are Muhammadians and only 28 Hindus.

APPOINTMENT OF EITHER THE PRESIDENT OR THE SECRETARY OF THE PASSENGER PROTECTING SOCIETY OF INDIA AS A MEMBER OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

52 **Haji Wajihuddin:** Will the Government be pleased to state whether they have been approached to appoint the President or Secretary of the Passenger Protecting Society of India as a member of the Advisory Committee for Railways at the headquarters of the Government of India and whether in the interests of poor passengers they propose to announce their decision to appoint any of the office bearers of the Society without further delay?

The Honourable Sir Charles Innes: If either of the gentlemen referred to becomes a Member of this Assembly or of the Council of State, no doubt he will have a good chance of being elected to the panel from which the members of the Central Advisory Council are selected.

OPENING OF A BRANCH POST OFFICE AT THE DARGAH-KHOWAJA NIZAMUDDIN, DELHI.

53. **Haji Wajihuddin:** Will the Government be pleased to state what action they have taken so far to have a branch post office opened at the Dargah-Khowaja Nizamuddin (Delhi) and when it is proposed to have the scheme completed?

Mr. G. P. Roy: The question has been reconsidered. As a post office already exists at Jangpura, which is only 2 furlongs from Nizamuddin and a far larger village, it is not proposed to open a post office at the latter place.

RESOLUTION RE COMFORTS FOR INDIAN RAILWAY PASSENGERS.

54. Haji Wajihuddin: Will the Government be pleased to state to what extent the different railway companies have carried out the recommendations on the subject of Indian passengers' comforts made by the Legislative Assembly on the Resolution moved by me on the 12th February, 1924?

Mr. G. G. Sim: The Honourable Member is referred to paragraphs 98 and 99 at pages 67 to 71 of Volume I of the Report by the Railway Board on Indian Railways for 1924-25, and to the explanatory memorandum on the Railway Budget for 1926-27, which will shortly be placed before the Assembly.

RAILWAY CONNECTION BETWEEN CHANDPUR SIAU AND CHANDOK.

55. Haji Wajihuddin: Will the Government be pleased to state if they propose to connect railway station Chandpur Siau in the Bijnore District with railway station Chandok on the main Oudh and Rohilkhand (now East Indian) section of the East Indian Railway in the same district?

(b) If so, how far is it correct that Nahtaur, an important and prosperous trading town, has been left out of the project?

(c) Do the Government propose to bring the matter to the notice of the railway authorities and recommend the inclusion of this town in this scheme?

Mr. G. G. Sim: (a) A proposal to extend the Gajraula-Chandpur Branch through Bijnor to Chandok is at present under investigation.

(b) and (c). It cannot yet be stated definitely whether the line will pass through Nehtore or not, but as this town is a long way off the direct alignment of the proposed branch, it is hardly likely that a diversion to Nehtore would be financially justifiable.

REDUCTION OF THE GARRISON IN AMBALA CANTONMENT.

56. Haji Wajihuddin: (1) Are the Government aware that in recent years there has been a considerable reduction of garrison in Ambala Cantonment?

(2) Is it a fact that on account of this reduction, a large number of bungalows constructed originally at the instance and for the use of military officers is lying vacant and that the house owners are consequently being put to heavy losses?

(3) Will the Government be pleased to say if there is any possibility of the increase of the garrison to its normal strength in Ambala Cantonment?

(4) Is it a fact that the main cause of the reduction of the garrison in Ambala Cantonment is the scarcity of water there?

Mr. E. Burdon: (1) Yes.

(2) I am making inquiries into the matter and will let the Honourable Member know the result as soon as possible.

(3) So far as I am aware there is no likelihood of a large increase to the garrison in the immediate future.

(4) It is one of the causes, an important cause.

NUMBER OF ELECTED MEMBERS OF CANTONMENT BOARDS.

57. Haji Wajihuddin: (1) Are the Government aware that in several cantonments the number of elected members in Cantonment Boards thereof is less than seven owing to the Government having not nominated four members under section 14 (i) (e) of the Cantonments Act, 1924?

(2) Is it a fact that several important interests and minorities in those cantonments are not represented on the Cantonment Board?

(3) Are the Government aware that there is great discontent in those cantonments specially at Dinapore owing to the Government's failure to make maximum nominations under the above section and thus decreasing the strength of the elected members?

(4) Are the Government aware that the Government of India Reforms Committee recommended ten elected and ten nominated members in every Cantonment Board?

(5) Are the Government prepared to issue instructions that the maximum strength mentioned in section 14 (i) (e) be availed of to ensure that in no Cantonment Board, should the number of elected members be less than seven?

Mr. E. Burdon: (1) The Commanding Officer of a Cantonment is empowered to nominate four military officers to be members of the Cantonment Board under the sub-section quoted by the Honourable Member. This number is a maximum and it was never intended that four military officers should be nominated in every cantonment, however small. The Government of India have no detailed information on the point, but it is likely that in many cantonments the Commanding Officer has nominated a smaller number.

(2) and (3). The Government of India have no reason to suppose that this is the case.

(4) The answer is in the affirmative.

(5) Government do not propose to issue such instructions.

CANTONMENT LAND ADMINISTRATION RULES.

58. Haji Wajihuddin: (1) Is it a fact that under rule 13 (26) of the New Land Rules framed by the Government of India under section 280 of the Cantonments Act, one-fourth of the income derived from the land entrusted to the management of the Cantonment Board is to be credited to the Government?

(2) Is it a fact that before the issue of these New Land Rules, the whole income derived from such lands was credited to the Cantonment Board?

(8) Is it true that the cost of managing Government land in cantonments has considerably increased in recent years on account of the Cantonment Board having to regularise a large number of old encroachments by the institution of civil suits?

(4) Is it true that Cantonment Boards in different cantonments feel *helpless in introducing many schemes of public beneficence such as the introduction of compulsory primary education, etc., for want of funds?*

Mr. E. Burdon: (1) I presume the Honourable Member is referring to clause (27) of rule 13 of the Cantonment Land Administration Rules. If so, the reply is in the affirmative, subject to the reservations in Rule 11(b) which allows Government to vary the proportion at its discretion in certain circumstances. Proceeds from licenses issued under clause (25) of rule 13 of the Rules are however credited wholly to cantonment funds.

(2) Yes, Sir.

(3) The Government of India have no information.

(4) In one cantonment the Board is understood to have passed a resolution in favour of compulsory education, but was unable to proceed with the measure through lack of funds. No other instances of the kind have been reported.

PROCEDURE RELATING TO REPORTS ABOUT THE LOSS OF CANTONMENT MONEY.

59. Haji Wajihuddin: (1) Are the Government aware that under section 14 (i) of the Cantonment Account Code, 1924, framed by the Government of India, the President of a Cantonment Board has been empowered to inquire into a loss of cantonment money and to submit his report direct to the Local Government?

(2) Is it a fact that under this procedure the Cantonment Board gets no information whatsoever of the loss and the cantonment people regard it as a great defect in the procedure? Do the Government propose to alter the rule in a way that no report be submitted by the President without laying the same before the Cantonment Board?

Mr. E. Burdon: (1) and (2). The attention of the Honourable Member is invited to Army Department notification No. 1686, dated 18th December 1925 (which was published in the Gazette of India of the 19th December, 1925) from which it will be seen that steps have already been taken to revise rule 14 of the Cantonment Account Code in the direction suggested.

MAINTENANCE OF MILITARY ROADS OUT OF CANTONMENT FUNDS.

60. Haji Wajihuddin: (1) Are the Government aware that at present in many cantonments several roads used primarily and mainly by the military population of the cantonments are maintained from the cantonment funds?

(2) Are the Government aware that one of the recommendations of the Cantonment Reforms Committee printed on page 22 of its printed report is that all roads in a cantonment in lines of troops and barrack areas or leading to departmental godowns or to the fort, etc., should be maintained by the Military Works Services of the Government?

(3) Are the Government aware that in Ambala Cantonment the whole of the Mall Road and the Staff Road and many other roads existing entirely for military purposes are being maintained from the cantonment fund?

(4) Do Government propose to direct that the distribution of roads in Ambala Cantonment between the Cantonment Board and the Military Works Services be reconsidered and revised?

Mr. E. Burdon: (1) The Government have no information to this effect.

(2) The answer is in the affirmative.

(3) and (4). The Government are making certain inquiries, the results of which will be communicated in due course to the Honourable Member. But they feel sure that the Mall Road and the Staff Road in the Ambala Cantonment cannot be said to exist entirely for military purposes in the limited sense which the Honourable Member apparently intends, and they would further observe that *ex hypothesi* cantonments and cantonment funds exist primarily for the service of the Army.

PROCEDURE RELATING TO THE PAYMENT OF BILLS BY CANTONMENT BOARDS.

61. **Haji Wajihuddin:** (1) Are the Government aware that under section 80 of the Cantonment Account Code, 1924, framed by the Government, the Executive Officer has the power to order payments of bills and to issue cheques for such payments?

(2) Are the Government aware that it is a recognised principle of accounts that the officer who passes and orders the payment of a bill should be different from the officer who prepares a bill, to ensure an effective check on the validity of payment?

(3) Are the Government aware that the combining of both these important functions in the Executive Officer, as is contemplated by the above section, is not desirable or consistent with accounts principles?

(4) Do Government propose to take steps that some other officer, say, the President or Vice-President of the Cantonment Board, be authorised to pass the bills prepared by the Executive Officer and to sign cheques issued for such payments?

Mr. E. Burdon: (1) The facts are generally as stated by the Honourable Member. The Executive Officer is authorised to issue cheques, subject to certain reservations, under rule 82 of the Cantonment Account Code.

(2) The reply is in the affirmative.

(3) Rule 80 of the Cantonment Account Code relates to the payment of bills presented to the cantonment authority by other parties, and not by the Executive Officer. But if there are cases in which the Executive Officer has to prepare bills himself, the Cantonment Authority has power under the same section to appoint some one else to examine the bill and pass the payment order.

(4) Does not arise in view of my reply to part (3).

INCOME AND EXPENDITURE OF THE MILAM POST OFFICE.

62. **Maulvi Muhammad Yakub:** (a) Will the Government be pleased to lay on the table a statement showing the income and expenditure of Milam Post Office (District Almora) during the period of its existence for four months in each of the years 1925 and 1924?

(b) Do the Government propose to make it a permanent season Post Office for four months every year?

Mr. G. P. Roy: (a) The statement asked for is laid on the table.

(b) The experimental season post office worked at a considerable loss during the two experimental periods and cannot yet be made permanent. Another trial will, however, be given to the office this year from the 1st June to the 30th September.

Statement showing the income and expenditure of the Milam Branch Office (Almora) during the period of its existence in 1924 and 1925.

1924.														
Period.										Income.			Expenditure.	
										Rs.	A.	P.	Rs.	
25th to 31st July, 1924		.	.	.	.	.	.	.	.	5	1	7	25	
August, 1924		.	.	.	.	.	.	.	.	27	13	8	97	
September, 1924		.	.	.	.	.	.	.	.	18	0	2	97	
1925.														
June, 1925		.	.	.	.	.	.	.	.	51	4	1	97	
July, 1925		.	.	.	.	.	.	.	.	63	4	7	121*	
August, 1925		.	.	.	.	.	.	.	.	23	15	8	121*	
September, 1925		.	.	.	.	.	.	.	.	28	5	5	97	

* Two extra mail runners at Rs. 12 each had to be engaged as the road to Milam was washed away.

INCOME AND EXPENDITURE OF CERTAIN POST OFFICES IN KASHMIR.

63. **Maulvi Muhammad Yakub:** (a) Is it a fact that the Post Offices of Chillum (Gilgit, Srinagar), Gupis (Gilgit, Srinagar), Gurez (Kashmir, Srinagar), Minimerg (Kashmir, Srinagar) are permanent season Post Offices?

(b) What are the annual income and expenditure of these above-mentioned Post Offices for the years 1922, 1923, 1924 and 1925, respectively?

Mr. G. P. Roy: (a) The post offices at Chillum, Gupis, Gurez and Minimerg are permanent offices open throughout the year and not during the season only.

(b) The figures regarding annual income of these offices for the years 1922, 1923, 1924 and 1925, are not available. The annual expenditure was as follows:—

	1922.			1923.			1924.			1925.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Chillum	481	8	0	481	8	0	481	8	0	481	8	0
Gupis	2,466	12	0	2,392	12	0	1,343	5	1	1,364	4	0
Gurez	2,179	8	0	2,125	8	0	1,298	0	0	1,298	0	0
Minimerg	1,176	0	0	1,176	0	0	1,176	0	0	1,176	0	0

CONSUMPTION OF OPIUM.

64. **Baboo Runglal Jajodia:** With reference to starred question No. 613 during the last Session, will the Government please state what decision has been arrived at regarding an inquiry to investigate the opium problem in this country and when they propose to start the said inquiry?

The Honourable Sir Basil Blackett: The replies of Local Governments to the reference from the Government of India, regarding consumption of opium in India have been received and are now under careful examination. I am not in a position to make any further statement at present.

PROPAGANDA IN INDIA BY PROFESSOR MARVIN ON BEHALF OF THE LEAGUE OF NATIONS.

65. **Baboo Runglal Jajodia:** (a) Is it a fact that one Professor Marvin is touring in India on behalf of the League of Nations and is showing a film depicting the advantages of India's participation in and appreciation of the work of the League?

(b) Will the Government please state the antecedents of this Professor Marvin and whether he is deputed by the Secretary of State or the League Council and whether with the approval of the Government of India?

(c) Will the Government further state whether his expenses are being borne by the Secretary of State, the League Council or the Government of India?

Mr. L. Graham: (a), (b) and (c). The Government of India understand from reports appearing in the Press that Professor Marvin is Vice-Chairman of the League of Nations Union, London, which is a purely unofficial body. They have no other information regarding his present activities or his antecedents and they presume that his expenses in India are being borne either by the League of Nations Union, London, or by himself.

ESTABLISHMENT OF A RATES TRIBUNAL.

66. **Baboo Runglal Jajodia:** (a) With reference to Mr. B. Das's starred question No. 752 of the September Session, 1925, will the Government be pleased to lay before the House the full text of the despatch received from the Secretary of State for India regarding the establishment of a Rates Tribunal?

(b) Will the Government further state what the advice of the Central Advisory Committee for Railways was in the matter and when the proposal for a Rates Tribunal will be given effect to?

The Honourable Sir Charles Innes: (a) No. Government do not consider it necessary.

(b) The Honourable Member is referred to the remarks of His Excellency the Viceroy in his speech at the opening of this Session on the 20th instant.

EAST INDIAN RAILWAY COMPANY'S SCHOOLS.

67. Baboo Runglal Jajodia: Will the Government be pleased to state in detail the result of their inquiries regarding the position of the East Indian Railway Company's Schools consequent on their transfer to the Government as asked for in the Simla Session of the Assembly in 1925 in unstarred question No. 109?

Mr. G. G. Sim: A copy of the letter addressed to Haji Wajihuddin, dated the 26th October, 1925, giving the requisite information, is being sent to the Honourable Member.

NUMBER OF INDIANS EMPLOYED IN THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

68. Baboo Runglal Jajodia: (a) With reference to starred question No. 106 in the Assembly on the 23rd January, 1925, will the Government please state the present strength of the Indians in the services of the East Indian Railway referred to therein and inform this House of the extent of reduction or increase in the number of Indians in the respective cadres?

(b) Will the Government please furnish similar information relating to the Eastern Bengal Railway?

Mr. G. G. Sim: The Honourable Member is referred to the particulars given in Chapter V and Appendix G of Vol. I and in Appendix C of Vol. II of the Report by the Railway Board on Indian Railways for 1924-25. Government are not prepared to collect information in further detail than is given there.

INDIANISATION OF THE POSTS OF TRAFFIC INSPECTORS ON RAILWAYS.

69. Baboo Runglal Jajodia: With reference to starred question No. 572 in the Assembly on the 2nd September last, will the Government please state the result of their recommendations to all Railway Administrations regarding the Indianisation of the posts of Traffic Inspectors on Indian Railways?

Mr. G. G. Sim: Government have not got any information beyond that furnished in their reply to question No. 853 put by Khan Bahadur Sarfaraz Hussain Khan on the 17th of March, 1924, nor do they consider that it will serve any useful purpose to call for further information of this piecemeal character after so short an interval of time. As was pointed out in reply to question No. 572, Railway Administrations have been especially addressed on the subject and they will no doubt give it their careful consideration when vacancies occur, and if Indians with the requisite qualifications are available.

RECOMMENDATIONS OF THE ECONOMIC INQUIRY COMMITTEE.

70. **Baboo Runglal Jajodia:** Will the Government please state whether they have decided to give effect to any of the recommendations of the Economic Inquiry Committee and, if so, to what extent?

The Honourable Sir Basil Blackett: The Government have addressed Provincial Governments as regards the further action to be taken on the Reports of both the Committees. I am afraid I shall not be in a position to give a detailed reply on the subject until those replies have been received and considered.

FINANCIAL EFFECT OF THE ACTION TAKEN ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

71. **Baboo Runglal Jajodia:** With reference to unstarred question No. 44 in the Assembly on the 25th August, 1925, will the Government be pleased to state the financial effect of the action taken by the Government on the recommendations of the Lee Commission with regard to the Civil Services and similar action taken by the Government with regard to the Military, Railway and other Services not dealt with by the Lee Commission?

The Honourable Sir Basil Blackett: The total cost in 1925-26 of the action taken with regard to the services dealt with by the Lee Commission is expected to be 79 lakhs. The increased annual cost on account of the Military Services not dealt with by the Commission is estimated as 20 lakhs. Pending a decision on certain outstanding points I am not in a position to give figures regarding Railways.

REORGANISATION OF THE ROYAL INDIAN MARINE.

72. **Baboo Runglal Jajodia:** Will the Government be pleased to state what progress, if any, has been made since the Simla Session last year in connection with the proposals for the reorganisation of the Royal Indian Marine for the purpose of the naval defence of India?

Mr. E. Burdon: The Government are not at present in a position to make any statement on the subject to which my Honourable friend refers.

REORGANISATION OF THE INDIAN MEDICAL SERVICE.

73. **Baboo Runglal Jajodia:** With reference to Mr. Burdon's reply in connection with starred question No. 78 on the 25th August last, will the Government be pleased to state whether they are now in a position to state the orders of the Secretary of State on the recommendations of the Lee Commission regarding the reorganisation of the Indian Medical Service, and if so, will they inform the House of the contents thereof?

Mr. E. Burdon: The reply to the first part of the question is in the negative. Correspondence with the Secretary of State is still proceeding.

The second part of the question does not arise.

**ABSENCE FROM THE ASSEMBLY OF MEMBERS ON DAYS WHEN
MOTIONS FOR ADJOURNMENT STANDING IN THEIR NAMES
ARE TO BE MOVED.**

Mr. President: I have received a notice of a motion for adjournment from Mr. C. Duraiswami Aiyangar regarding the position of Indians in South Africa. It is very improper for any Honourable Member to give notice on such an important question and not to turn up at the last moment. I expect Honourable Members at any rate to have the courtesy of giving timely intimation of their inability to attend in such cases. I hope Honourable Members will bear in mind these remarks.

I now pass on to the next item.

ASSENT OF THE GOVERNOR GENERAL TO BILLS.

Mr. President: I have to inform the House that the following Bills which were passed by both Chambers of the Indian Legislature have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act:

1. The Provident Funds Act, 1925.
2. The Code of Civil Procedure (Amendment) Act, 1925.
3. The Religious Endowments (Amendment) Act, 1925.
4. The Salt Law (Amendment) Act, 1925.
5. The Legislative Members Exemption Act, 1925.
6. The Sikh Gurdwaras (Supplementary) Act, 1925.
7. The Bamboo Paper Industry (Protection) Act, 1925.
8. The Indian Carriage of Goods by Sea Act, 1925.
9. The Opium (Amendment) Act, 1925.
10. The Provident Funds (Amendment) Act, 1925.
11. The Indian Penal Code (Amendment) Act, 1925.
12. The Indian Limitation (Amendment) Act, 1925.
13. The Coal Grading Board Act, 1925.
14. The Oudh Courts (Supplementary) Act, 1925.
15. The Criminal Tribes (Amendment) Act, 1925.
16. The Cotton Transport (Amendment) Act, 1925.
17. The Madras, Bengal and Bombay Children (Supplementary) Act, 1925.
18. The Indian Ports (Amendment) Act, 1925.
19. The Repealing and Amending Act, 1925.
20. The Transfer of Property (Amendment) Act, 1925.
21. The Indian Succession Act, 1925.

STATEMENTS LAID ON THE TABLE.

Sir Denys Bray (Foreign Secretary): Sir, I lay on the table two statements with reference to the replies given by me on the 9th and 15th September last to questions 147 and 928 by Lala Duni Chand and Kumar Ganganand Sinha, regarding one Nand Ram of Hazara.

STATEMENT I.

1. (a) and (b).—On 26th February 1924 a complaint under Section 390/395, Indian Penal Code, was filed in the Court of the Assistant Commissioner, Mansehra, by Mussammatt Ram Piari, wife of Nand Ram, against one Sant Singh of Mansehra Dharamsala and 6 other persons of village Nundhar. No report of occurrence of the alleged offence had been made at the police station. The complaint after reference to the police was dismissed under section 203, Criminal Procedure Code. No stolen property was recovered. There is nothing on the file to show that Sant Singh referred to was the servant of Khan Sahib Mufti Muhammad Yaqub Khan, Bar-at-Law, Extra Assistant Commissioner. The complainant herself stated in the complaint that Sant Singh was a resident of Mansehra. No relations or servants of Khan Sahib Mufti Muhammad Yaqub Khan were charged.

2. (a).—On 1st August 1924 Nand Ram was arrested and challaned under section 109, Criminal Procedure Code, on the ground that he had no ostensible means of livelihood. He was however released on bail on 5th August 1924. The case is still pending owing to his absence from the District.

2. (b), (c) and (d).—Nand Ram, his full brother Prab Diyal and one other Hindu of Nawanshehr were challaned in a case under section 436, Indian Penal Code, in connection with the burning of the Munsiff's Court in Abbottabad on 6/7th July 1924. Nand Ram was arrested on 19th September 1924 and acquitted on 22nd December 1924. Nand Ram made a statement before the trying court that he had been asked by the police to give evidence against the two other accused but had declined to do so and had been challaned for this reason. A translation of the statement made by Mussammatt Ram Piari as a witness in this case on 16th October 1924 is attached.

3. (a).—There is nothing on the record to show that Mussammatt Ram Piari was kept under detention from 20th September 1924 to 25th October 1924. The diary of the police station has also been consulted but the correctness of the statement made has not been verified. The statement of Mussammatt Ram Piari in the section 436 case was recorded on 16th October 1924 and not on the 25th October.

3. (b), (c).—Nand Ram sent 4 petitions from the Abbottabad Jail asking that his case should be transferred from the court of Khan Sahib Muhammad Yakub Khan, Extra Assistant Commissioner, to some other Magistrate as he had no hope of justice from the former court. No other petitions are traceable.

3. (d).—Nand Ram filed a complaint on 17th January 1925, in the court of the Judicial Commissioner, North-West Frontier Province, under sections 302, 379, 344, 346 and 120-B, Indian Penal Code, against Khan Sahib Mufti Muhammad Yaqub Khan and 11 others. The complaint was sent to the Deputy Commissioner, Hazara, for disposal. It was dismissed by him under section 203, Criminal Procedure Code, on 4th June 1925.

3. (e).—Petitions from Nand Ram were received by His Excellency Lord Lytton, Sir Denys Bray and the Chief Commissioner, North-West Frontier Province, and he was granted interviews by Major Parsons, Deputy Secretary, Foreign and Political Department, and the Chief Commissioner, North-West Frontier Province.

4. No.

Translation of the statement, dated 16th October 1924, by Must. Ram Piari, wife of Nand-Ram Khatri, aged 26 years, of Mundhar, Shop-keeper, on Solemn Affirmation.

Prabh Diyal is a brother of Nand Ram. Nand Ram has been to Abbottabad since Phagan. He was not a servant of any one before. He was a labourer and lives on the sale of pears. When the court of the Munsiff was burnt I was at Abbottabad and Nand Ram was also here. Prabh Diyal was not here. The next day he was also not here. What statement I gave to the Tahsildar is read over to me as I do not recollect it. The statement which has been read over to me is not correct. My thumb impression was affixed and I do not know what was recorded. Ganga Ram of Mirpur, who is one-eyed, took me to Thana and got my thumb impression affixed at three or four places and a policeman was also in company. When my thumb impression was affixed the door was closed. When my thumb impressions were got affixed, my husband was then in Havalat. Ganga Ram used to give me bread. I was

given assurance that my husband would be released. Therefore I affixed my thumb impression eight or nine days. After affixing my thumb impressions my husband was released from Havalat.

Read over and admitted.

(Sd.) MUFTI MOHD. YAQUB KHAN,
Additional District Magistrate.

The 16th October 1924.

STATEMENT II.

Nand Ram filed a complaint on the 17th January 1925, in the Court of the Judicial Commissioner, North-West Frontier Province, under Sections 302, 379, 344, 346 and 120-B, Indian Penal Code, against Khan Sahib Mufti Muhammad Yakub Khan and 11 others. The complaint was sent to the Deputy Commissioner, Hazara, for disposal and was dismissed by him under Section 203, Criminal Procedure Code, on the 4th June 1925. On the 1st October 1925, Nand Ram was asked to produce fresh evidence before the District Magistrate, Hazara, for reinvestigation of his case. He has not done so and his case has therefore not been revived.

2. A petition from Nand Ram to His Excellency the Viceroy, dated the 17th March 1925, in which the petitioner asked for transfer of his case to the Punjab, was received in the Foreign and Political Department and forwarded to the Chief Commissioner, North-West Frontier Province, for disposal. The Government of India were satisfied that sufficient reasons did not exist for acceding to the petitioner's request.

3. Copies of Nand Ram's complaint, of the orders passed thereon, and of reports made to the Judicial Commissioner, North West Frontier Province, are attached. The latter furnish complete information of the cases in which Nand Ram was involved.

Nand Ram s/o Moti Ram of Mundhar Tahsil,
Mansehra, now resident in Abbottabad ... Complainant.

WITNESSES

- | | |
|--|------------|
| 1. K. S. Mufti Mohd. Yaqub Khan, Bar-at-Law, E.A.C., Malakand. | } |
| 2. Sardar Mohd. Yusaf Khan, Inspector, C. I. D., Abbottabad. | |
| 3. Mufti Taj Mohammad Khan, Sub-Inspector, Police, Abbottabad. | |
| 4. Abdul Ghani, Sub-Inspector, Mansehra. | |
| 5. Arjan Dass, Head Constable, Police, Abbottabad. | |
| 6. Nadir s/o Juma. | |
| 7. Chuna s/o Abdullah. | } Accused. |
| 8. Mir Alam | |
| 9. Abdul Ghani | |
| 10. Hira s/o Moti Ram. | |
| 11. Must. Janti, wife of Rahmatullah, residents of Mundhyra. | |
| 12. Sant Singh of Mansehra. | } |

Charges under Sections 302, 379, 344, 346/120-B., I. P. Code.

The complainant begs to submit as follows :—

1. That on the 13th September 1924, petitioner left his wife, Must. Piari, at Jhelum in charge of L. Giyan Chand s/o R. B. L. Diwan Chand, Wakil, and came to Abbottabad to fetch his belongings as he had decided to leave his home on account of the unjust persecution of the accused. On his arrival at Abbottabad he was arrested on 17th September 1924 on a charge of setting fire to the court of Munsiff, Abbottabad, under section 436, I. P. Code, and was confined in the lock-up.

2. That while in the lock-up he wrote to L. Giyan Chand at Jhelum asking him to look after his wife as complainant himself was in the lock-up. This letter was entered in the Jail registers. Complainant received a reply to the effect that his wife had been taken away to Abbottabad by the police.

3. That on learning this complainant sent through the jail authorities to the Deputy Commissioner of Abbottabad requesting him to hand over his wife and his goods to some Hindu gentleman of Abbottabad as complainant feared his wife may be made away with by his enemies against whom he had brought a case of dacoity which is still pending investigation.

4. That complainant has reasons to believe that this application was sent by the Deputy Commissioner to the District Judge, K. S. Mufti Mohd. Yaqub Khan, accused No. 1, as a few days after complainant's wife, in company with Arjan Dass, accused No. 4, visited the complainant in jail and informed him that she had been placed in custody of the District Judge, accused No. 1. On this complainant sent another application to the District Magistrate protesting against the action of accused No. 1.

5. The complainant's wife again interviewed him in jail and informed him that she was being detained in the house of accused No. 1.

6. That complainant was released on bail on 22nd November 1924 when he found to his dismay that his wife was not to be found any where, and all his efforts to trace her have been of no avail.

7. That in the arson case complainant was acquitted, but he has not yet been able to find his wife or his property worth Rs. 1,500, which was with her and he apprehends that the accused mentioned above, who are complainant's bitterest enemies, may have killed her, as she was the only person who could identify the accused in the dacoity case.

8. That the accused noted above were all members of a conspiracy the object of which was to cause wrongful loss to complainant and to cause the disappearance by unlawful means of complainant's wife. In pursuance of this conspiracy the complainant's wife, who was placed in charge of accused No. 1 and was seen by reliable witnesses at his house, has disappeared with complainant's property and complainant fears that she is being unlawfully and forcibly detained or she has been murdered by accused 5 to 11 with the help of the other accused.

The complainant humbly prays that as the accused have committed the offence mentioned above, they may be dealt with according to law. Complainant is prepared to substantiate the allegations made above and he therefore prays that as influential persons in Government service are involved the case may be inquired into by some European official.

Officer at Peshawar.

The above explained to me and is correct to the best of my knowledge and belief

(Sd.) NAND RAM, *Complt.*

NOTE :—The contents have been explained to the petitioner who says he can prove all stated therein.

(Sd.)

This complaint was received by post and the complainant did not attend. His statement could therefore not be recorded under section 200, C. P. Code. He is now untraceable—*vide* Tahsildar's report dated 22nd May 1925. Must. Ram Piari has been produced before me and it is therefore clear that the charge under section 302, I. P. C., cannot be maintained. The accused persons are responsible members of society, and the charges brought against them cannot be believed. The complaint is the effusion of a half-witted man. I dismiss it under section 203, C. P. Code.

(Sd.) J. ALMOND,

District Magistrate, Hazara.

The 4th June 1925.

Reference your order of 18th January 1925.

I have collected as many files concerning Nand Ram as can be found. They are as follows :

I. Nand Ram filed a complaint under section 323, I. P. C., against Mina, Chuna, Mir Alam, Rahmatullah and Hira (the latter is his full brother) on 19th September 1923. The accused were discharged by order of the Naib Tahsildar on 8th April 1924 and the complainant was ordered to pay Rs. 20 compensation under section 250, C. P. Code. On appeal to my predecessor the compensation was remitted.

II. On the 4th December 1923 Nand Ram filed a petition under section 107, Criminal Procedure Code, against the accused persons in case No. I. The case was filed by the Political Extra Assistant Commissioner on 6th November 1924 in the absence of the complainant.

III. One Allahdad of Mundhar filed a complaint under section 406, Indian Penal Code, against Nand Ram on the 31st December 1924 stating that he had deposited two medals and Rs. 500 with the latter which Nand Ram would not return. The case was dismissed on 10th November 1924 under section 203, Criminal Procedure Code, and the complainant was directed to seek his remedy in a Civil Court.

IV. On 21st February 1924 Nand Ram was challaned for security under section 110, Criminal Procedure Code. The case was pending until 6th December 1924 chiefly owing to a case under section 436 in which Nand Ram was challaned and which will be referred to later. On 6th December 1924 the Assistant Commissioner, Manselra, began proceedings with a view to having Nand Ram expelled under section 36, Criminal Procedure Code. The case is still pending. In the file of the case it is stated in Police Statement No. 1 that Nand Ram has undergone imprisonment and fine in a 465 case but no date or details of the case are given. In Statement No. II it is stated that Nand Ram has instituted several false cases against various people.

V. On 3rd March 1924 Nand Ram instituted a complaint under section — ^{499/108 I. P. C.} _{30 F. C. R.} against Ram Chand, Pritam, Karam Singh, Khazan Singh and Must. Ram Piari, his wife. Roughly the facts alleged were that Nand Ram had left his wife in a Dharamsala at Abbottabad while he had gone to attend the Assistant Commissioner's Court in Mansehra, that when he returned to Abbottabad he found his wife missing and charged the first 4 accused with having concealed her. Must. Ram Piari did not appear in court. It was said that she could not be found and on the 14th of March Nand Ram put in a petition to the court offering a reward of Rs. 5 to any one who would give information of the discovery of his wife and at the same time saying that he wished to proceed against the other four accused for the time being. Eventually Ram Chand and Pritam were convicted under sections 498/109 I. P. C. respectively and sentenced to one year and Rs. 100 fine and Rs. 100 fine respectively. There is on the file a copy of a report made in the police station at Amritsar dated the 1st of April 1924. The report was made by a foot constable who had found Nand Ram and Must. Ram Piari together with several of her relations at the Chauk Bazar, Amritsar, and suspected that they were up to some mischief. After their statements were recorded they were allowed to go. The fact that Must. Piari was with her husband on the 1st April appears to my mind to make the case against Ram Chand and Pritam extremely doubtful, especially as Nand Ram had been saying throughout the case that the woman could not be found. However the two convicts do not appear to have appealed against their conviction.

VI Nand Ram ~~versus~~ Hira, his brother, Nadir, Mir Afzal, Rahmatullah, Kala Ram and Fakir sections 447/380 case instituted on 22nd May 1924 and dismissed under section 302, Cr P. Code on 6th December 1924 owing to the absence of the complainant. It appears that Nand Ram failed to appear in this case as well as in case No. II as he was at the time under arrest in connection with case No. VII.

VII. Nand Ram was challaned in 436, I. P. C. case in connection with the burning of the Munsiff's court in Abbottabad on the 6/7th July 1924. He was acquitted on the 22nd December 1924 as in that case Must. Ram Piari appeared ^{as a witness} and she appears to have appeared in the ordinary way.

On the 26th of July 1924 Must. Ram Piari made a report in the police station at Abbottabad to the effect that her husband was a man who had no means of subsistence, ~~that~~ she did not know how he was gaining his livelihood and that he was always pressing her to make some money by prostitution.

It appears that Nand Ram is a man who has no means of livelihood. He married his wife in Agra where he had gone for casual labour. He has been concerned in a good deal of litigation which reflects no credit on him. My predecessor in his order dated 13th May 1924 in the appeal case referred to as No. 1 remarks as follows:—

“The complainant is little short of half-witted and obviously unreliable”.

I gather from these facts that Nand Ram is a man of very weak intellect, of no means of livelihood and that his wife has no desire to live with her husband. There is in my opinion absolutely no truth in the allegations made in the complainant's petition presented to you. I have made inquiries regarding the dacoity case to which he refers and can find no trace of any such case existing.

(Sd.) J. ALMOND,

7th March 1925.

District Magistrate, Hazara.

Judicial Commissioner.

To-day Must. Ram Piari was produced before me by Fazal Elahi, Court Inspector, who stated that she had been seen in Nowanshahr and produced before him in view of a report of this case which appeared in the *Tribune*, dated the 4th of March. Must. Ram Piari's statement has been recorded by me in detail and is attached to the file. She now denies that she is the wife of Nand Ram and states that the charges mentioned in Nand Ram's petition are entirely groundless; that she is living at her own free will and that no sort of pressure is being brought to bear on her. She also denies that she has got any of Nand Ram's property. She appears to me to be an intelligent woman and at any rate is sufficiently literate to write her own name. Her statement now recorded corroborates my report above.

(Sd.) J. ALMOND,

District Magistrate, Hazara.

11th March 1925.

THE LEGISLATIVE BODIES CORRUPT PRACTICES BILL.

APPOINTMENT OF MR. W. S. J. WILLSON TO THE SELECT COMMITTEE IN PLACE OF MR. C. B. CHARTRES.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I move that in place of Mr. C. B. Chartres, Mr. W. S. J. Willson be appointed to the Select Committee on the Bill to provide for the punishment of corrupt practices by or relating to members of legislative bodies constituted under the Government of India Act.

The motion was adopted.

THE INDIAN INSURANCE COMPANIES BILL.

The Honourable Sir Charles Innes (Member for Commerce and Railways): Sir, I beg to move:

“That this Assembly do recommend to the Council of State that the Bill to consolidate, amend and extend the law relating to Insurance Companies be referred to a Joint Committee of this Assembly and of the Council of State, and that the Joint Committee do consist of 10 Members.”

I introduced this Bill, Sir, by publication in the official Gazette. Therefore I did not have formally to ask the House for leave to introduce and I have not yet had an opportunity of making any speech about this Bill to the House. For reasons which I shall give later, I hope that I may regard my motion as a non-controversial one. But at any rate I think the House will expect me to give them a brief statement of the reasons which have induced the Government to put these very important legislative proposals before them and a very short exposition of the main features of the Bill.

As regards the necessity for this legislation, I do not think I need say very much. If we leave the provident insurance societies out of account, which societies of course are regulated by their own Act, we have on the Statute-book only one Act relating to insurance. That Act is the Indian Life Assurance Companies Act of 1912. As its name implies, it deals only with life companies, and there is no law in India at all which enables us in any way to regulate or control the operation of companies which undertake other forms of insurance business. Now, I looked up the discussions at the time when the Life Assurance Companies Act, 1912, was passed, in order to see why that Act was confined to life companies. I found that the reason was that at that time the insurance habit had not advanced very far in India. There were life assurance companies and there were fire insurance companies, but companies undertaking other forms of insurance business were not common, and when the Government of India consulted Local Governments and business opinion throughout India, they were informed that there was no demand in India at that time for legislation other than legislation dealing with life. Well, Sir, that was 14 years ago. In the last 14 years a great change has taken place. There has been a great growth of the insurance habit and we have now in India not merely life assurance companies, not merely fire insurance companies, but we have companies undertaking every kind of insurance business; and in the last year or two, as the House will no doubt know, another and a very important kind of insurance business has come newly into existence. I refer to workmen's compensation insurance. Now, I think the House will agree with me that the time has come when we must take power to regulate these other forms of insurance business. These companies, as things are at present, are regulated only by the Indian Companies Act. They have only to submit the returns prescribed by that Act. They are not required to submit that information which practically every civilised country in the world demands from an insurance company for the protection of the public. I think that everyone will agree that we must now fall into line with other countries, and that we must bring these other insurance companies under a certain measure of legislative control. Certainly that is the view which is taken by every Local Government, and I think I may say by every important commercial body which we have consulted on this subject, and I do not think that I need say any more than that regarding the necessity for this legislation. Of course, there is another subsidiary reason. As I have said, the Indian Life Insurance Companies Act was passed in 1912, about 14 years ago. We have 14 years' experience of the working of the Act, and that experience has shown several directions in which the Act ought to be amended, tightened up and generally brought into accord with modern ideas and conditions.

[Sir Charles Innes.]

Before I come to the Bill itself, there is one preliminary point which I wish to make. I wish to make it perfectly clear to the House that our conclusions so far are purely tentative and provisional. It is quite true that we have embodied those conclusions in the form of a Bill. We have done that because experience has shown that, if you embody your conclusions in the concrete form of a Bill, that is the best way of focussing discussion in the country on the really important points and getting those important points elucidated by well-informed and considered criticism. But though we have put our conclusions in the form of a draft Bill, I wish to make it perfectly clear that the Bill is merely tentative and provisional. I am aware that, if the House accepts my motion to-day, it will commit itself to the principle of the Bill. But the only principle I am asking it to accept is this that the House agrees that legislation is necessary to amend and extend our Insurance law. I do not wish in any way to commit the House to the policy embodied in this provisional Bill which we are putting before it. I wish to make it perfectly clear that in the Joint Committee the whole subject will be open to discussion.

I have already said that the really important proposal of the Bill is to extend the operation of the Life Insurance Act of 1912 to firms of insurance business. Apart from that, the important feature of the Bill is the policy which we have embodied in our provisional Bill. Our provisional proposal is that we should adhere to the policy of the 1912 Act. The policy of the 1912 Act is that we should rely for the protection of the public upon deposits *plus* publicity. Now, everyone knows the reason why most countries require Insurance Companies to make deposits. It is a safeguard against what is known as the mushroom company, that is to say, the unsound Insurance Company with insufficient financial backing which after collecting premia for a number of years is likely to shut down. The difficulty, of course, in a matter like this is to get your scale of deposits exactly right. On the one hand, you want to safeguard against the unsound company and, on the other hand, you do not wish to do anything to stop or hamper the growth of really sound concerns. Our proposals are embodied in clause 10 of the Bill. They represent a tightening up of the provisions of the existing Act specially in regard to the initial deposits. Personally I think that the tightening up is necessary, and I believe that the House will agree with me when I tell them that in the last 14 years 26 life insurance companies have gone into liquidation. The exact scale of the deposits is of course a matter which will be fully discussed in the Committee. The other safeguard which we wish to rely upon is publicity. That is a principle which has been affirmed and reaffirmed many times. It was perhaps laid down most clearly by the House of Lords Committee of 1906. That Committee said that experience had shown that the best safeguard for the public in regard to Insurance Companies was what they called "the fullest openness of accounts". The theory of course is that we should require insurance companies to publish the fullest possible information about their operations. In that way people who wish to take out their policy or their legal advisers will be able to decide for themselves which companies are managed on sound and prudent lines and which are the right companies to invest in. You will find from the Bill that we have revised and brought up to date our Schedules with reference to this question of publicity, and

we have also embodied certain proposals in Chapter V of the Bill. In many respects they represent a considerable advance on the 1912 Act. Although we propose to rely mainly upon deposits *plus* publicity, we have in some respects tightened up our control over Insurance Companies. For instance, let me refer you to clause 9 of the Bill. Under clause 9 of the Bill we propose to limit the power of Insurance Companies to make loans to their own directors. That, I am quite prepared to admit, is a clause which will require careful discussion, but I think the House will agree with me that the principle which we are striving to embody in that clause is a sound principle. We have put it in because we have come across cases in which Insurance Companies have lent a large part of their funds to their own directors. So, we have put that clause tentatively very largely to elicit discussion upon it. A more important proposal will be found in clause 32 of the Bill. In clause 32 of the Bill we suggest that the Governor General should have power if he sees reason to doubt the solvency of any individual company to require that company to submit itself to an actuarial investigation. We have again put in that clause very largely for the purpose of eliciting opinion. We were induced to do so by the very large volume of evidence in favour of a clause like that which has been placed before the Departmental Committee of the Board of Trade which is now examining the insurance law at home. It is claimed by some expert opinion that timely actuarial advice may save a company which otherwise might drift to ruin, or alternatively that it will lead to a company going into liquidation before it gets deeper into the mire. On the other hand, it has to be remembered that a step of that kind must be taken with the greatest care and circumspection, for the effect of a step of that kind upon the company may be very disastrous. I am stressing these points because we think that that clause will require most careful consideration in the Committee. I am quite prepared to admit that the policy which we provisionally propose to adopt and which we have included in this Bill is a conservative policy. It is an extension and improvement of the policy of the 1912 Act rather than a complete break-away from that policy. I am quite prepared to admit that there is room for a fair difference of opinion in this matter and that some people—indeed Mr. Jamnadas Mehta is one of them—may think that we ought to go very much further in the direction of official control over Insurance Companies. There are precedents in favour of a course of that kind. Canada, of course, is an obvious case. I do not wish to go into the merits of the question at this stage, because questions of that kind will be open for discussion in the Select Committee.

Perhaps the House will like me to say just one word about the position of British companies in reference to this new Bill. Under sections 32 and 33 of the existing Act British companies are exempted from the necessity of making any deposits. The theory of that course is that the British companies who operate out here have already made their deposits at home and there is no reason why they should make deposits in India also. There is something to be said for that point of view. On the other hand, we do not see any reason why we should make a distinction between the indigenous company and the British company in a matter of that kind. In the Bill we propose to withdraw that exemption. The only concession that we propose to make to British Companies will be found in clause 29 of the Bill. In that clause we suggest that British companies should be

[Sir Charles Innes.]

allowed to submit copies of the returns which they now submit to the Board of Trade instead of being put to the trouble of making separate returns for India. But we couple that with the proviso that they must submit separate returns relating to their business in India to the Government of India.

I think that is all I need say about the Bill. I hope every one will agree that we must have a new Bill. I should like to say that this Bill has already been circulated by the Commerce Department to Local Governments and commercial bodies throughout India. Local Governments are unanimously of the opinion that a Bill of this kind is necessary, and I may say so are all commercial bodies. There are naturally differences of opinion in points of detail and on points of policy, but all those questions will be discussed in Committee. The replies received run to 172 pages of print. All those documents will come before the Select Committee, and before this House gets down to the Bill they will be placed at the disposal of the House. I am having all the replies carefully analysed and summarised in the Commerce Department, in order that the Joint Committee may be assisted as much as possible. I should like to say that I found in these replies only one serious criticism of the motion. It has been suggested by some Insurance Companies, Indian as well as English, that it would be wise for us before proceeding with the Bill to await the report of the departmental committee of the Board of Trade at home. We have been hung up for over a year by waiting for the report. We were told that we were going to get it in April last, then again in November. I hope in any case that the report will be available before long for the information of the Joint Committee.

I should like to say one word as to why I am proposing a Joint Committee. I understand from some of the Honourable Members opposite that this proposal causes some difficulty. The reason is that I look at this Bill purely as a commercial matter, and I am very anxious to get the best possible Bill for India. It is a very important matter and I am perfectly satisfied in my own mind that we shall assist ourselves in our deliberations by calling in the advice of selected Members of the Council of State. There are several Members of the Council of State who are well qualified to give valuable advice on matters of this kind.

There is one other point which I should like to refer to. The House may think that I have limited the numbers of the committee rather narrowly. My experience—and I have served on Select Committees and Joint Committees for the last six years—my experience is that the smaller the Committee the more work you do. I hope that the House will agree with that argument. I do not think that I will say any more but commend my motion to the House.

Mr. A. Rangarwami Iyengar (Tanjore *cum* Trichinopoly: Non-Muham-madan Rural): Sir, on a point of order. I desire to know from you and from the Honourable Member in charge of the Bill under what provisions of the Rules or the Standing Orders this motion has been made. I find

that it is put down as a motion. In paragraph 101 of the Assembly Manual, Rule 42 of the Indian Legislative Rules says :

"If a Resolution is passed in the originating Chamber recommending that a Bill should be committed to a Joint Committee of both Chambers, a message shall be sent to the other Chamber to inform it of the Resolution and to desire its concurrence in the Resolution."

I am not sure that the Honourable Member moves this as a Resolution under Rule 42. There is also another provision under Standing Order 88, which says :

"A motion recommending that a Bill should be committed to a Joint Committee of both Chambers may be moved at any stage at which a motion for the reference of the Bill to a Select Committee may be moved."

I find that my Honourable friend, Sir Charles Innes, has taken this occasion to discuss the principles of the Bill, as if the Bill had been before the House. If that is so, I should like to know whether he is not making a motion on the Bill for a Joint Committee, in which case it should be open to us to move that the Bill be referred to a Select Committee. Under the Rules a motion for a Joint Committee can be made if there is a motion for reference to Select Committee. I do not know therefore that the question of the discussion of the principles of the Bill is actually before the House. If it is, then a motion for reference to Select Committee may, I should think, be moved by way of amendment. If the amendment for a motion to a Select Committee cannot be moved, we can only oppose this motion, and if it is defeated, the motion for a Select Committee can be made by the Honourable Member later as he thinks fit. I would like to know the intention of the Member in charge of this Bill.

Mr. President: The Honourable the Commerce Member has, I understand, made this motion under Standing Order 88(2), which says :

"A motion recommending that a Bill should be committed to a Joint Committee of both Chambers may be moved at any stage at which a motion for the reference of the Bill to a Select Committee may be moved."

It is perfectly open to any Member of this House to move an amendment that the Bill may be referred to a Select Committee. I see no difficulty in the procedure adopted by the Honourable the Commerce Member.

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhammadan Rural): Sir, I move that the Bill be referred to a Select Committee of this House, and I oppose the Honourable Sir Charles Innes' motion for a Joint Select Committee. After giving this matter the fullest consideration which it deserves, we have come to the conclusion that a Select Committee of this House is preferable. The reason is that this is a very important piece of legislation. For fifteen years the law of insurance in this country has been absolutely unsatisfactory. Public opinion has for more than five years demanded a very radical amendment of the existing law, and Government have at last come forward with their proposals, they are very important and will have far-reaching consequences when embodied in the Statute. For that very reason it is necessary that this House should have an unfettered opportunity of placing on record its own opinion and its own considered judgment on the various proposals put forward by the Government, and also the House's own view as to

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the direction in which this Bill could profitably be advanced. That opportunity would not be forthcoming in a Joint Select Committee. We know that great body well; we of this House have more than once experienced its tenderness and solicitude for our opinion; and we return that compliment with the greatest alacrity. We have a wholesome suspicion of that body, and we do not think that we will have that full and unfettered opportunity in a Joint Select Committee where this House will have only five Members and five Members will come from that dark corner. There cannot be sufficient light when five Members come from a dark corner. That is another reason why this House alone should, in the first instance, fully consider this insurance legislation.

My Honourable friend, Sir Charles Innes, knows what vital issues are involved in the proposed measure. He has explained them to some extent, and I will try briefly to follow him; they can be broadly divided into preventive and corrective or protective. One part is preventive in the sense that it saves ignorant people from falling into the clutches of unsound companies; there is another aspect of the Bill which is corrective or protective in the sense that it saves people from evil after they have gone in for insurance. I will amplify what I mean. In the first instance we want that people before they insure should have sufficient knowledge as to what kind of companies they are dealing with so that they may not be taken unawares by the Insurance Companies that are called "mushroom" companies. And even when they have insured with good companies, it is possible that the said companies might deteriorate. In order to prevent them from deteriorating and in order to safeguard the interests of the policy-holders after they have insured, other safeguards should be provided, and these I call corrective or protective. In both these respects, Sir, this Bill is, to a large extent, a halting measure. I suggest there is very little corrective or protective portion in this Bill; all is preventive only, and therefore in this important respect the Bill is far far behind public opinion. There is no provision in this Bill to safeguard the interests of the policy-holders in the direction of keeping them fully secured as against the companies in which they have insured, whether life, or fire or other branches of insurance. The amending legislation about Insurance Companies should provide that those who have recourse to Insurance Companies shall be safeguarded against the consequences of capricious or reckless investment of the funds of Insurance Companies by their directors, and I am afraid Sir Charles Innes' Bill does not make any, or makes very little, provision for this aspect of life insurance activity. Sir, I have very carefully considered the question of the amount of initial deposits. This provision in the Bill is in one respect not sufficiently far-reaching. In another respect it is likely to be prejudicial to small and struggling companies which may be working honestly and working well. Sir, I do want that mushroom growth should be prevented. I say at the same time that every small company is not a mushroom company. We have heard protests against this Bill from small companies that to-day are doing very well indeed. We do not want that the fate of any company, however small it may be, should be prejudiced by this measure, which calls upon that company straight off to make a much larger amount of deposit than is required by the existing legislation. On the other hand, I say that the total amount of deposit may by itself alone

prove absolutely inadequate in the case of the various big concerns operating in this country. The amount of premia on life, fire and other branches of insurance collected by the companies working in India is, I am told, 10 crores a year, of which the life branch alone takes 5 crores, it is absolutely necessary that people who annually pay 5 crores of rupees for the sake of their wives and children and for themselves in old age should be amply protected, protected in a manner beyond the reach of any hazardous or frenzied finance on the part of the directors of Insurance Companies; and I say the amount of deposit which the Honourable the Commerce Member has provided is absolutely inadequate when you take into account the enormous liabilities which these Insurance Companies undertake. It will not be sufficient to provide that the deposit with Government should be double or treble the amount proposed in the Bill. It is further necessary that in addition to these deposits, whatever assets these companies might have, ought, to the extent of their liabilities in this country, to be invested in this country. These concerns undertake liabilities which run into crores and crores of rupees; there is nothing in the existing legislation, or in the proposed measure, to protect those whose interests are vitally affected thereby. Every man who insures his life should feel secure that the company which accepts his insurance shall keep deposited in this country assets sufficient to cover the liabilities it undertakes. We find no such provision in the proposed measure, and I think without such a provision it will be futile to undertake this legislation. Then, Sir, the returns of statistics are no doubt provided for, but I do suggest that they will require considerable improvement and extension if we want these returns to be illuminating documents which will at a glance make it possible for a man who looks at them to appreciate the financial condition of the company. That will require more statistics and fuller details than are possible under this Bill. Sir, there is one other important aspect in which the Bill requires amendment and extension and it is this; unless all the foregoing conditions are satisfied by the Insurance Companies, they should not get any license to operate in this country. Such a license clause is nowhere to be found in the Government Bill, and I intend, Sir, when the time comes, to move an amendment that no company can work without a license, and that no license can be granted unless these conditions to which I have referred are fulfilled by these companies. Sir, these are the directions in which we would modify and amplify the measure, but that is not possible to accomplish jointly with the Council of State's representatives, some of whom may be very brilliant merchants; I have nothing to say against them. But the atmosphere of the Council of State is not favourable to the popular view point and that is why this House should, in the first instance, go alone into this Bill and consider it on its merits from its own point of view. There is nothing unusual or extravagant about my proposals which I have embodied in a Bill. We find them supported by such an influential newspaper as the *Statesman* which blesses my Bill, strange to say, although the Government measure would have been ordinarily supported by the *Statesman*. But in this particular case this newspaper thinks that my proposals are desirable and should be followed and that there is nothing objectionable in them. One word more with reference to this newspaper criticism and I will finish, Sir. The *Daily Mail* of Bombay says that the Government proposals are halting and they do not go a very great way; it quotes the case of France where licenses seem to be in force; no company which has not got the permission

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of the Government can operate. They cannot even sue; they are fined several hundred francs if they have not got a license. That is the condition in France, and similar conditions are found in Canada, to which the Honourable the Commerce Member referred. The *Bombay Chronicle* of course (*An Honourable Member*: "Oh" and "of course".) Of course! because it is the best newspaper, Sir, and goes fully into every national question. That is the meaning of "of course." The *Bombay Chronicle* has gone very fully into this matter and thinks the Government should have gone much further in this legislation. I hope the House will therefore accept my amendment and not the House only, but I beg the Honourable the Commerce Member himself not to stand in the way of this House first of all pronouncing its own judgment on the various proposals; the issues involved are very important and they are going to be very far-reaching in their effect. We do not want that our efforts should be in any way fettered by the presence of representatives from the other House. Sir, I move the amendment.

Sardar V. N. Mutalik (Gujarat and Deccan Sardars and Inamdars: Landholders): Sir, I have to say one word on the Bill put forward by the Honourable the Commerce Member. The time has come when we must have insurance legislation on some solid lines, but as for the motion itself, I do not think I agree with him that there should be a Joint Select Committee of both Houses. I agree with my Honourable friend Mr. Jamnadas Mehta that this House should first of all consider the Bill by itself, and then if there is any reason to do so the Bill may go to the other House and they can pronounce their judgment on it. If there is any difference of opinion on the findings of this House and the other House, then the time may come when we may have a Joint Select Committee. In the case of such an important measure, when there is a difference of opinion, there should of course be a joint meeting. Under our present constitution this is the body which reflects the opinion of the public more than the other House (*An Honourable Member*: "Question?"), and I think it will be better if this House first of all gives its own opinion on the Bill.

I do not know whether we are justified in going into the details of the Bill at this stage, but with regard to one item, the subject was touched on by the Honourable Member himself when he said that he intends to prevent the growth of mushroom Insurance Companies. May I tell him one thing? It is very difficult to form companies which require a deposit of 2 lakhs of rupees at the beginning, and I do not think we have come at all to the end of Insurance Companies at this stage. Perhaps if anything there should be a policy of encouraging sound companies. I do not want to encourage any fraudulent or bogus companies but there should be encouragement of sound companies and Government and the Legislature should not stand in the way of their formation. This 2 lakhs deposit clause will work very hardly on the formation of new companies in the mofussil, and if new companies are formed at all they will be formed in the big cities. I do not want to go into the details of these things, but I do hope the proposal made by my Honourable friend Mr. Jamnadas Mehta, that the Bill should be referred only to a Select Committee of this House, will be carried.

Dr. K. G. Lohokare (Bombay Central Division: Non-Muhammadan Rural): I support the amendment moved by my Honourable friend from Bombay. I may as well congratulate him for being prepared to hand over powers to the Government far in excess of what the Honourable Member in charge has proposed to take. It may be that the legislation which my friend has in view will be suitable for a future time; but I think the Bill as it has been put in to-day, will, with certain little changes here and there, just serve the purpose for the present. One defect that has been observed by me, by many insurance companies and by persons who have insured themselves with insurance companies is that there is no provision for a representation of policy holders in this Act. The interests of the policy holders instead of being attempted to be hedged in by rules and regulations will be better served by one or two persons who should be representatives of the policy holders on the board of directors. It may be that it would be difficult in making such a provision to make a distinction between a foreign and an Indian company, but it is at the same time desirable that a foreign company working in India should be required to hand over the management of business here to an independent board located in this country and that policy holders should be represented on this board. I find no provision being made on these lines for the protection of policy holders in this Bill.

The next question is the question of deposits. We have seen that when the Bill was circulated, many insurance companies as well as many Indian leaders objected to the present practice of foreign Insurance Companies of utilising Indian capital for their own countries. I think the Madras Chamber of Commerce discussed that point and in this Bill, my Honourable friend has not found any way out of it. I would suggest that clauses 10 and 11 could have been very well drafted separately, for old and new items of business and the difficulty, if any, could have been met. If the drafters of the Bill had thought it difficult to take into consideration the old business carried on by foreign companies here and to fix up a deposit limit for them, we could leave out of consideration the amount of old business and leave that deposit altogether to the discretion of Government. But in the case of any new business that they may do here it ought to be binding on them to deposit a certain fixed proportion of the risk involved in order that the funds which ought to remain in India may not be carried away to foreign countries. Secondly the principle of depositing 1 or 2 lakhs does not really serve the purpose. If the purpose is to prevent the growth of mushroom companies the real principle ought to be that the deposit should be in proportion to the risk on business involved in the insurance companies. That ought to be the guiding principle. Whether the deposit is to be Rs. 20,000 or Rs. 25,000 or 1 lakh or 2 lakhs does not matter at all. It must be a certain percentage of the risk. If that principle had been introduced in this Bill I think it would have served the purpose better in preventing an insurance company from deceiving the public one way or another.

Another point that has attracted the attention of many critics is that in the formation of new companies or even in the case of old companies there are no means whereby the tables of premia could be checked by an expert. There is greater necessity for avoiding that sort of competition in insurance companies by not allowing fictitious, or I may say, unbusiness-like, tables of premia in order that these insurance companies may gain

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more business. Many companies put in such sorts of tables as are unprofitable and undue competition has been brought about in this way in many cases. To avoid such undue competition there should be some provision in the Act itself by which such mischiefs might be avoided.

One more point needs attention as well. In India after the existence of indigenous insurance business for 25 or 30 years, we have not been able to get mortality investigation reports or any such data for the guidance of future work of companies. The provisions in this Bill do not require insurance companies to furnish such returns. Large old established companies could have provided them long ago. Such provision ought to have been made for the guidance both of the insurance companies and of the insuring public too.

I make these remarks more from the point of view of life insurance business; but the remarks I have made in the case of deposits are equally applicable to other kinds of business. With these remarks, Sir, I hope that if we consider in a Committee of this House details of this Bill with all the little changes we want here and there, it would be much easier for the Bill to have a safer passage; and I therefore support my Honourable friend's amendment.

***Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, I do not propose to discuss the principles or the provisions of this Bill. The Honourable Member in charge has already pointed out that the only thing that he wants this House to recognise for the moment is that a necessity has arisen for this legislation. As far as that particular point is concerned, I think this House will agree with him. But I am more concerned with his motion that the Bill be committed to a Joint Committee. Now, Sir, without casting the slightest reflection on the other House—and I believe that it has been considerably improved of late—I wish to deal with this motion purely on principle. When is this House to determine that a particular measure should be referred to a Joint Committee? Is this Bill non-controversial? The Honourable Member cannot say that it is not a controversial Bill. The next principle that I can understand is that you may refer a Bill to a Joint Committee provided the measure is urgently required and has to be passed through both the Houses within a certain time. That plea has not been urged. We have already waited for fourteen years, and I do not think the Honourable Member desires that this Bill should be rushed through in the course of next month and that it is urgently required. The only ground which he gave in support of the motion to commit this Bill to a Joint Committee was that we might have the assistance of some Members of the other House who are men with a special knowledge of insurance companies and of this particular business. Well, Sir, I know there is one such Member, but I do not know that there is anybody else in the other House. For the sake of one man who happens to be in the other House and who may have special knowledge and experience of the insurance business, is this House really going on that score alone to commit itself to this motion? I dare say there are many people outside who possess an equal amount of experience and knowledge, if not more, and it is always open to the Select Committee of this House to have anybody who could give any assistance to the Select Committee before it. Therefore, Sir, I see no principle whatsoever in this motion

*Speech not corrected by the Honourable Member.

that this particular Bill should be committed to a Joint Committee. I ask the Honourable Member not to press this motion, but to let us proceed in the ordinary course and refer this Bill to a Select Committee of this House; and I hope he will see that there is not much reason for insisting upon this motion.

The Honourable Sir Charles Innes: Sir, my Honourable friend Mr. Jinnah has endeavoured to extricate Mr. Jamnadas Mehta from rather a false position, and I think that Mr. Jinnah has put the matter entirely upon a correct basis. I may say at once that I can quite understand that in a very important measure of this kind the Legislative Assembly should like first to have its own Committee; but I cannot understand any Honourable Member of this House getting up on an occasion of this kind and almost deliberately declaring war on the other House, declaring war on a House which has not yet even met, and deliberately saying that this House has got great suspicions of the other House and that it is a dark and reactionary body and that we should not co-operate with it in any way at all.

Mr. Jamnadas M. Mehta: It is historically true.

The Honourable Sir Charles Innes: If that was the ground on which this amendment is based, then the Government can have nothing to do with it. But if it is merely that, if the Legislative Assembly wishes first to consider the matter in its own Committee, then the Government will have no difficulty in accepting the amendment. I do hope therefore that Mr. Jamnadas Mehta will withdraw his remarks about the other House and will base his amendment for a Select Committee on the ground that the measure, as he himself put it, is a very important and controversial measure and that this House would like to consider it first in its own Committee. If Mr. Jamnadas Mehta is willing to say that, then I, on behalf of Government, am quite prepared to accept the amendment. But if Mr. Jamnadas Mehta is going to say that he is not prepared to agree to the Joint Committee because of his suspicions of the other House, then the Government will stick to their guns.

Mr. M. A. Jinnah: May I ask the Honourable Member if the Government are going to be guided in every action of theirs by what Mr. Jamnadas Mehta says in this House?

The Honourable Sir Charles Innes: I understand, Sir, that Mr. Jamnadas Mehta is speaking on behalf of the Swaraj party, which is a bigger party than the party commanded by my Honourable friend.

Before, however, I sit down, I should like to make just one or two remarks on the points raised by Mr. Jamnadas Mehta. We all know in this House that Mr. Jamnadas Mehta is what I may call a thruster, but I must confess I cannot find in his pronouncements in this House that consistency which one would expect. Mr. Jamnadas Mehta has called my Bill a halting and ineffective measure. I do not know whether the House has studied Mr. Jamnadas Mehta's own Bill and his own proposals in this matter. Mr. Jamnadas Mehta is one of those men who refers to the word 'bureaucrat' with a roll of the R's which leaves us on this side of the House doubting whether we should file a suit for defamation of character against him or run him in for criminal intimidation. But Mr. Jamnadas' view apparently is that though bureaucrats may be very unpleasant people they are very efficient, much more efficient than

[Sir Charles Innes.]

business people. For when he wants a job of work done he calls in the bureaucrat. In his Bill for instance which he calls 'halting and ineffective,' he has gone to the length of proposing to set up a Commissioner of Insurance, one of us bureaucrats

Mr. Jamnadas M. Mehta: I have had no opportunity of explaining my Bill; I did not fully refer to it.

Mr. President: The Honourable Member from Bombay has himself referred to it, and there is no reason why the Honourable the Commerce Member should not be allowed to do so in replying.

The Honourable Sir Charles Innes: Mr. Jamnadas Mehta proposes to start a system of licensing, and in order to carry out that system he proposes to set up one of our bureaucrats as a Commissioner of Insurance. That Commissioner of Insurance is to be allowed to inspect the offices of every insurance company in India once a year. If he is not satisfied with the way in which these insurance companies are run, he may make a recommendation to the Government of India that the licence may be withdrawn or that the company should be wound up. Those are the lengths to which my Honourable friend Mr. Jamnadas Mehta is prepared to go, and I am quite sure that most people in this House would much prefer that business people should be reasonably free from Government control and interference rather than that they should be tied up in a bureaucratic strait waistcoat. But, Sir, as I have said, I need not go into this matter further. Mr. Jamnadas Mehta is entitled like anybody else to his own views. They will all be discussed in this Committee. But may I say one thing about this Committee, whether it will be a Joint Committee or a Select Committee. This is, as Mr. Jinnah has said, a very controversial Bill, almost every line of it is controversial, and it is a Bill which will require most careful consideration and investigation in this Committee. I think that this Committee will have to sit at the Bill almost uninterruptedly day after day, and whether the Committee is a Joint Committee or a Select Committee, my own belief is that we shall not be able to get on with it at all during this Session—indeed all these documents which I have got have not yet been summarised or prepared for the Committee, and I am afraid whoever sits on this Joint Committee or Select Committee will have to come up to Simla in the interval between now and the next Session in order that we may have several days quiet work on this Bill. I wish to make that point quite clear so that people may bear it in mind when the members are elected to the Select Committee. Now, Sir, I wish to appeal to Mr. Jamnadas Mehta to withdraw his remarks about the other House. If he is prepared to base his

1 P.M. amendment on the ground that this is a very important Bill, it is a controversial Bill and the Legislative Assembly wishes to have its own Select Committee, then on behalf of Government I am quite prepared to accept his amendment. But if he adheres to his argument, if he is not prepared to agree that this House should co-operate in any way with the other House, then Government must oppose his amendment.

Mr. Jamnadas M. Mehta: I am afraid that Sir Charles Innes was not quite listening when I made my speech.

The Honourable Sir Charles Innes: I have got your words down.

Mr. Jamnadas M. Mehta: "The Council of State" was one of the many reasons which I gave. The first reason that I gave was that this Assembly should have an unfettered opportunity of discussing this matter in its own way and passing its own unfettered and separate judgment. That was my first and foremost reason and still remains the first reason. The reason of the Council of State

Mr. President: I cannot allow the Honourable Member to repeat his reasons now. He has merely to answer the query of the Honourable the Commerce Member.

Mr. Jamnadas M. Mehta: If you do not object, Sir, I want to tell the Honourable Sir Charles Innes that I did not base my amendment simply on the ground of the Council of State. I still assure him that that is a secondary reason, the first reason being what I have stated above, and if that is sufficient for him, he need not agree with me in the second.

Mr. M. A. Jinnah: In view of what the leader of the Swaraj Party has said I hope Government will now withdraw their motion.

The Honourable Sir Charles Innes: May I suggest, Sir, in order to bring this discussion to a close, that the leader of the Swaraj Party should ask the permission of the House to withdraw his motion and that I should bring in another motion to refer the Bill to a Select Committee. If this will suit the House, I will formally ask for leave to withdraw my motion in order that the matter may be brought up again.

The Honourable Sir Alexander Muddiman (Home Member): I only wish to make one point, Sir. I should like as Leader of the House to point out that I take it that the motion which Sir Charles Innes will make on a subsequent day for referring the Bill to a Select Committee will be treated by the House as a formal and agreed motion.

Mr. Jamnadas M. Mehta: Yes. You can have it now.

The amendment of Mr. Jamnadas Mehta to refer the Bill to a Select Committee was, by leave of the Assembly, withdrawn.

The motion of the Honourable Sir Charles Innes for reference of the Bill to a Joint Committee was also, by leave of the Assembly, withdrawn.

THE INSOLVENCY (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to move that the Bill to amend the Presidency-towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920, be referred to a Select Committee consisting of Mr. L. Graham, Mr. W. F. Hudson, Khan Bahadur W. M. Hussanally, Mr. Harchandrai Vishindas, Diwan Bahadur T. Rangachariar, Rao Bahadur M. C. Naidu, Mr. S. C. Ghose, Mr. H. Tonkinson and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

[Sir Alexander Muddiman.]

This, Sir, is a Bill which had its foundation in certain recommendations of the Civil Justice Committee. I introduced it on the 25th August last and in doing so I explained the objects of the Bill. I obtained leave to circulate the Bill on the 1st September. The Bill has now been circulated and I think practically all the opinions have been received. I may just remind the House very shortly that one of the important clauses in the Bill extends to the Karachi Court the Presidency-towns Insolvency Act instead of the Provincial Insolvency Act. On this naturally the sources mainly to be consulted would be the Bombay authorities. They are unanimously in favour of the proposal.

The second proposal dealt with the amendment of section 104 of the Presidency-towns Insolvency Act. That mainly concerns those provinces and courts where that Act is in force. I think I am entitled to say that a large majority of the opinions supports the recommendations of the Civil Justice Committee. There are criticisms however of various kinds put forward in certain quarters which will need the attention of the Select Committee, should the House be good enough to accept my motion.

The third main point of the Bill is the amendment of section 70 of the Provincial Insolvency Act. There, again, I am entitled to say that the bulk of the opinions received are in favour of the Bill. There are certain criticisms in regard to it which have to be and must be considered in detail by the Select Committee. Relying, therefore, on the very general support that this Bill has received and on the fact that it originates from a body of the authority of the Civil Justice Committee, I have no doubt whatever that the House will agree to my motion.

Mr. K. Ahmed: May I ask if the Honourable the Mover has got the consent of Khan Bahadur W. M. Hussanally and Diwan Bahadur T. Rangachariar?

Mr. President: It is to be presumed that the Honourable Member has got their consent.

Mr. K. Ahmed: Those gentlemen are absent and that is the reason why I put the question.

Mr. President: Order, order. The question that I have to put is that that motion be adopted.

The motion was adopted.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member): I beg to move that the Bill further to amend the Legal Practitioners Act, 1879, be referred to a Select Committee consisting of Mr. L. Graham, Maulvi Muhammad Yakub, Diwan Bahadur T. Rangachariar, Rai Sahib M. Harbilas Sarda, Rai Bahadur Raj Narain, Mr. K. C. Neogy, Mr. C. Duraiswami Aiyangar, Mr. H. Tonkinson and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

This, again, is one of those Bills which originated in the recommendations of the Civil Justice Committee. I obtained leave of the House to circulate the Bill on the 1st September 1925. As I said when I was dealing with the Bill before in this House, it contains the recommendations of the Civil Justice Committee which are intended to deal with the evil of touting. When I brought the Bill before the House I did not express any very strong opinion that it would be effective. I guarded myself distinctly on that point as I had always felt that it was an extremely difficult subject to tackle. I am glad, however, to find that the Bill has received a very remarkable amount of support from the persons consulted. It would be correct, on considering the opinions, to say that almost all are in support of the general principle of the Bill though they are inclined to doubt how far it will be effective without the active co-operation of the legal profession. That is a co-operation which, we must hope, will be extended in large measure. I would quote in support of the principle of the Bill from a paper which is not often quoted on this side of the House, though I am always willing to get support whenever I can and from whatever source. It was quoted just now by my Honourable friend from Bombay opposite who referred to it as the best paper in India, so he at any rate will admit its authority. It was the *Bombay Chronicle*. The *Bombay Chronicle* writing on this Bill says as follows:

"The introduction in the Legislative Assembly of the Bill to amend the Legal Practitioners Act is a welcome though a belated" (*naturally it would say 'belated'*) "step to check the ever growing evil . . ."

The paper then goes on to bless the member, but I need not tire the House with a further quotation. As I have support from Local Governments, support from all directions and also support from the *Bombay Chronicle*, this House will have no difficulty whatever in agreeing to refer the Bill to a Select Committee. Sir, I move.

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member): This is a small Bill which got to the final stage last Session. From the Bill as originally introduced the House struck out the most important clauses. The remainder of the Bill was of very little importance or urgency. If I had then made my motion for passing, it would have been ineffective in that Session unless I had obtained special leave in the other House to suspend their rules. I did not regard the Bill as sufficiently urgent to justify me in taking that step. I therefore refrained from making a motion which obviously could not be effective in bringing the Bill into law. I now move that the Bill further to amend the Code of Criminal Procedure, 1898, be passed.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, the Bill as amended up to the present contains no clause 2. I therefore desire as a merely formal amendment to move that clauses 3 to 7 be renumbered consecutively as clauses 2 to 6.

The motion was adopted.

Mr. President: The question is :—

“ That the Bill further to amend the Code of Criminal Procedure, 1898, be passed.”

The motion was adopted.

THE INDIAN BAR COUNCILS BILL.

The Honourable Sir Alexander Muddiman (Home Member): The Bill which I now introduce was published in the Gazette of India of the 2nd January under Rule 18 of the Indian Legislative Rules which has the effect of the acceptance of a motion for leave to introduce. It is not therefore either necessary or possible to make a motion thereon. I content myself with saying that I introduce the Bill.

THE MADRAS CIVIL COURTS (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department: Nominated Official): I move for leave to introduce a Bill further to amend the Madras Civil Courts Act, 1878.

The objects of this Bill are explained in the Statement of Objects and Reasons.

Briefly I may say it seeks to give effect to a very minor proposal of the Civil Justice Committee. The effect of the law in the Indian Succession Act at present is to leave probate and administration matters entirely to the district court. The Bill proposes to enable the High Court to authorise Subordinate Judges or District Munsiffs to take cognisance of such proceedings; and it further proposes to enable the High Court to authorise a District Judge to transfer such proceedings to any of his subordinate Judges. Similar provisions are now contained in the Bengal, Agra and Assam, the Bombay, the Central Provinces and the Punjab local Courts Acts. We propose by this Bill to make a similar provision in the Madras Civil Courts Act. The Madras Government and the Madras High Court support the proposal which must be given effect to by central legislation because it confers powers upon the High Court. Sir, I move.

The motion was adopted.

Mr. H. Tonkinson: Sir, I introduce the Bill.

THE GUARDIANS AND WARDS (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, I move for leave to introduce a Bill further to amend the Guardians and Wards Act, 1890.

This Bill, Sir, deals again with a minor proposal of the Civil Justice Committee. It is also on very similar lines to the Bill which the House has just given me leave to introduce. It deals with the powers of the

district court under the Guardians and Wards Act. Under that Act the powers are given to the district court, but under certain local Courts Acts, these powers may be conferred by the High Court upon Subordinate Judges and so on. Such provisions are contained in the Punjab, in the Oudh and in the Central Provinces local Courts Acts. We propose in this Bill to make general provisions in the Guardians and Wards Act. itself. That Act I might say is an Act which is included in the Schedule to the Local Legislatures (Previous Sanction) Rules, and so cannot be amended by a local Legislature without obtaining the previous sanction of the Governor General. So far also as the Bill will confer power upon High Courts of Judicature established by Letters Patent it will require central legislation. Sir, I move.

The motion was adopted.

Mr. Tonkinson: Sir, I introduce the Bill.

THE SMALL CAUSE COURTS (ATTACHMENT OF IMMOVEABLE PROPERTY) BILL.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, I move for leave to introduce a Bill to resolve certain doubts as to the powers, in regard to the attachment of immoveable property, of Provincial Small Cause Courts.

In regard to this Bill I think, Sir, it will be impossible for me within the limits of a short statement to indicate the grounds upon which it is held that a doubt exists as to whether the Provincial Small Cause Courts have the power to attach immoveable property before judgment or not. That question was considered in very great detail by a full bench of the Calcutta High Court. The arguments of the Court occupied 13 foolscap pages in print and I am afraid therefore that, as I have said, I shall be unable to explain the grounds upon which it is held that this doubt does exist. We consulted Local Governments and High Courts upon the question as to whether action should be taken. All Local Governments and High Courts have unanimously agreed that it is necessary to have clarifying legislation so as to make the law clear upon this point. There was some difference of opinion as to whether that clarifying legislation should take the form of giving these Small Cause Courts this power or not. We have decided that the weight of authority is in favour of not giving the power, that is to say, we have decided that we should follow the law which was certainly in force from 1859 to 1908, with the possible exception of a very short period between 1877 and 1879. So far as we can ascertain also there was no intention whatsoever by the Select Committee in 1908 of making any change in this respect. Sir, I move.

The motion was adopted.

Mr. H. Tonkinson: Sir, I introduce the Bill.

THE INDIAN LUNACY (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, I move for leave to introduce a Bill further to amend the Indian Lunacy Act, 1912.

[Mr. H. Tonkinson.]

I do not think, Sir, it is necessary for me to do much more than to refer Honourable Members to the grounds upon which this Bill is proposed as given in the Statement of Objects and Reasons. I would add, however, that the suggestion that we should amend the law in this sense was made by one of the most experienced alienists in India. The suggestion has met with unanimous acceptance from all Local Governments, that is to say, from all the Ministers responsible for administering this subject throughout India. The suggestion, further, I may add, is based upon section 48 of the English Lunacy Act of 1890. Sir, I move.

The motion was adopted.

Mr. H. Tonkinson: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 25th January, 1926.

LEGISLATIVE ASSEMBLY.

Monday, 25th January, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair. .

MEMBER SWORN:

Mr. James Hezlett, M.L.A. (Assam: Nominated Official).

QUESTIONS AND ANSWERS.

NUMBER OF INDIANS GRANTED KING'S COMMISSIONS IN THE INDIAN ARMY DURING THE LAST FIVE YEARS.

95. ***Khan Bahadur Sarfaraz Hussain Khan**: Will the Government be pleased to state the total number and the number province by province of Indians who have obtained the King's commission in the Indian Army during the last 5 years?

Mr. E. Burdon: I lay on the table a statement giving the numbers, by provinces, of cadets who have been granted commissions through Sandhurst since 1920. As regards officers who have obtained commissions otherwise than through Sandhurst, the total number can be ascertained from the current Indian Army List, but information as to their respective provinces is not available.

Statement showing the provinces from which Indian cadets commissioned through Sandhurst have been recruited.

Bombay	8
Punjab	16
United Provinces	3
Bihar and Orissa	1
Assam	1
Burma	1
North-West Frontier Province	2
Rajputana	2
Hyderabad	2

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EXPENDITURE ON EACH OF THE ALL-INDIA SERVICES CONSEQUENT ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

96. ***Khan Bahadur Sarfaraz Hussain Khan**: (a) With reference to Government reply to the last supplementary question of Diwan Bahadur M. Ramacliandra Rao to starred question No. 77 regarding the increase of

expenditure in the All-India Services, asked in the meeting of the Legislative Assembly held on the 25th August, 1925, will the Government please state if the information asked for is available now?

(b) And, if so, will they please furnish it to the House?

ADDITIONAL EXPENDITURE ON EACH OF THE ALL-INDIA SERVICES CONSEQUENT ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

481. ***Diwan Bahadur M. Ramachandra Rao:** With reference to the answer given by the Honourable Sir Basil Blackett to question No. 77, asked at the meeting of the Legislative Assembly held on 25th August, 1925, will the Government be pleased to place on the table the statement of additional expenditure on each of the All-India Services, consequent upon the recommendations of the Lee Commission on the Public Services, as finally sanctioned by the Secretary of State in Council?

ADDITIONAL EXPENDITURE ON EACH OF THE ALL-INDIA SERVICES CONSEQUENT ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

489. ***Mr. B. Das:** Will the Government be pleased to state the expenditure due to the recommendations of the Lee Commission—

(a) for the year 1924-25,

(b) for the year 1925-26, and

(c) for the year 1926-27?

The Honourable Sir Basil Blackett: I propose to answer questions Nos. 96, 481 and 489 regarding the additional expenditure resulting from the Lee Commission's recommendations together.

The figures required are not given separately in our system of accounts and cannot be obtained without great expenditure of time and trouble. It has taken six months to obtain from the various accounts offices and to consolidate the figures for the years 1924-25 and 1925-26, and there are possibilities of error, seeing that some of the figures are necessarily hypothetical, and it is difficult to ensure that the collection of the initial data is made in all offices on identical lines. In these circumstances I do not propose to attempt to collect similar information for 1926-27. With these remarks, I lay the required statement on the table for the years 1924-25 and 1925-26.

Statement showing the total increase of expenditure involved during 1924-25 and anticipated during 1925-26 in the Lee Commission's recommendations as finally accepted by the Secretary of State for India in Council.

		In lakhs.	
		1924-25.	1925-26.
I. C. S.	. . . . .	15.41	16.55
I. P. S.	. . . . .	11.82	12.65
I. A. S.	. . . . .	1.23	1.32
I. E. S.	. . . . .	3.15	3.43
I. F. S. (including Forest Engineering)	. . . . .	3.98	4.72
I. M. S. Civil	. . . . .	6.24	5.95
I. S. E.	. . . . .	7.94	8.95
I. V. S.	. . . . .	5.66	6.82
Total all-India Services		49.88	54.19

ADVERTISEMENTS RELATING TO RAILWAY TIMINGS.

97. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the article under the heading "Railway Advertisements" published in the issue of the *Searchlight* of the 15th November, 1925, page 6?

(b) If so, do they propose to draw the attention of the authorities concerned to the desirability of advertising their notifications about railway timings, etc., in the local paper which has the largest circulation?

Mr. G. G. Sim: (a) No.

(b) The Honourable Member is referred to the reply given on 21st January, 1926, to question No. 35, asked by Mr. Gaya Prasad Singh.

INTRODUCTION OF LEGISLATION FOR THE PREVENTION OF STREET BEGGARY IN BRITISH INDIA.

98. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state:

(a) whether they propose to undertake legislation with a view to prevent street beggary in British India?

(b) whether a law to this effect is in force in Great Britain or in any other countries?

The Honourable Sir Alexander Muddiman: (a) Government have no such proposal under consideration.

(b) Government are not prepared, for the purpose of answering questions, to undertake an examination of the law in force throughout the world.

INDIAN DEPUTATION TO SOUTH AFRICA.

99. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph under the heading "Indian deputation to be received by South African Government" published in the issue of the *Forward* of the 21st November, 1925, page 5?

(b) If so, will the Government please state:

(i) if the news that the South African Government have agreed to receive an Indian deputation and will discuss with them Indian problems is correct?

(ii) whether the personnel of the deputation is under the consideration of the Government of India?

(iii) when the deputation referred to is expected to leave India?

Mr. J. W. Shore: (a) The reply is in the affirmative.

(b) The attention of the Honourable Member is invited to the press communiqués issued by the Government of India on the 20th, 21st, 25th November, and 1st December, 1925, which fully explain the objects and constitution of the deputation which has been sent to South Africa with the concurrence of the Union Government. Copies of these communiqués have been placed in the Library.

Mr. Gaya Prasad Singh: Is it a fact that the Indian deputation has not been officially recognised by the Union Government?

Mr. J. W. Bhore: It has certainly been recognised by the Union Parliament.

Khan Bahadur Sarfaraz Hussain Khan: Has it been officially recognised?

Mr. J. W. Bhore: I would refer the Honourable Member to the speech delivered by His Excellency the Viceroy in opening the session where he will find all the information I can give.

Mr. Gaya Prasad Singh: Has the attention of the Government been drawn to the report of the interview which Sir Deva Prasad Sarvadhikary gave in which it is stated that "the Indian deputation had not been officially recognised by the Union Government, because of the desire of the latter to exclude from their consideration this difficult question and anything bordering on outside interference"?

Mr. J. W. Bhore: I regret to say that my attention has not been called to that statement.

Mr. Gaya Prasad Singh: It appears in the *Hindustan Times* of the 15th instant.

Mr. R. K. Shanmukham Chetty: Do the Government of India propose to instruct the deputation to appear before the Select Committee of the Union Parliament if the Bill is referred to a Select Committee there?

Mr. J. W. Bhore: We have not yet come to any final conclusion on that point.

Mr. A. Rangaswami Iyengar: May I know, Sir, if the South African deputation has been asked to make official representations to the South African Government and whether such representations have been made or whether the South African Government have refused to receive official representations on this Bill before their House?

Mr. J. W. Bhore: I am afraid, Sir, I cannot give my Honourable friend a reply to that question just at the present moment. We are in communication with the deputation and the first object of that deputation is to supply us with material to enable us to prepare our case which we wish to present before the Union Government.

Mr. N. M. Joshi: May I ask, Sir, whether the Honourable Member proposes to lay that case before the Union Government or before the Select Committee?

Mr. J. W. Bhore: We propose to lay that case before the Government, Sir.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether it is a fact that this South African deputation has not been permitted to make official representations on this Bill to the South African Union Government?

Mr. J. W. Bhore: That, I think, is correct.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member, Sir, whether he will make available to this House the interim report submitted by this deputation which was referred to in the speech of His Excellency the Viceroy?

Mr. J. W. Bhore: I shall consider that.

Mr. R. K. Shanmukham Chetty: Have the South African Government informed the Government of India that they would be prepared to take the evidence of the Paddison Commission before the Select Committee of the Union Parliament when this Bill is referred to the Select Committee?

Mr. J. W. Bhore: I do not know what the Honourable Member means by saying "take the evidence of the Paddison Commission".

Mr. R. K. Shanmukham Chetty: That the Paddison Commission would be welcome to represent the Indian case before the Select Committee of the Union Parliament.

Mr. J. W. Bhore: The Select Committee, as the Honourable Member knows, has not come into existence. We are at the stage of the first reading of the Bill merely and we do not know yet whether a Select Committee will be appointed.

Mr. R. K. Shanmukham Chetty: Do the Government of India realise that, if the Bill is referred to the Select Committee, it would mean that the principle of the Bill has been accepted?

Mr. J. W. Bhore: We fully realise that. I would ask the Honourable Member to wait until I have replied to a question of which private notice has been given by Diwan Bahadur M. Ramachandra Rao. I shall probably be able to satisfy him in regard to dates.

Mr. A. Rangaswami Iyengar: May I put one further question? Has the attention of the Governor General in Council been drawn to the speech made by the Governor General of South Africa in opening the South African Parliament the other day in which he said that, while the Government was not prepared to accept the specific proposal made by the Government of India, he was prepared to receive representations once the principle of the Bill was accepted. From that point of view, have the Government of India given any instructions to their deputation to make representations on the Bill either before the Select Committee or before the Parliament?

Mr. J. W. Bhore: I must really ask for notice of that question.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether his attention has been drawn to a statement made by the Minister of the Interior that, once the principle of the Bill is accepted by the Union Parliament, they would be prepared to receive the evidence of the Paddison Deputation in regard to the details? In view of that statement, have the Government of India given any instructions to the Paddison Deputation to appear before any Select Committee of the House of Representatives in South Africa?

Mr. J. W. Shore: Our attention has been drawn to that and all I am in a position to say is this that we hope to make effective representations to the Union Government—as effective as we are in a position to do—before the second reading of the Bill, that is to say, before the Union Government commits itself finally to the principle of the Bill.

REORGANISATION OF THE INDIAN MEDICAL SERVICE.

100. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to the last supplementary question of Diwan Bahadur M. Ramachandra Rao to starred question No. 78 regarding the reorganisation of the Indian Medical Service asked in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state if they propose to make a representation to the Secretary of State that his conclusions should not be given effect to until this Assembly has had an opportunity of saying what it has to say on his conclusions?

Mr. E. Burdon: The Government of India are not in a position to make any statement on the subject.

Mr. A. Rangaswami Iyengar: Has the attention of the Government of India been drawn to a newspaper report of a certain circular alleged to have been sent by the Government of India to the Local Governments in this connection?

Mr. E. Burdon: I am afraid I have not seen it.

Mr. A. Rangaswami Iyengar: Will the Honourable Member kindly take the trouble of seeing it.

Mr. E. Burdon: If the Honourable Member will give me a copy of it, I shall read it.

Mr. A. Rangaswami Iyengar: I shall do so.

PERCENTAGE OF INDIANS EMPLOYED IN CERTAIN SPECIFIED SERVICES.

101. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to lay on the table a statement showing the percentage of Indians in the following Indian Imperial services:

1. Indian Forest Service.
2. Indian Service of Engineers.
3. Indian Educational Service.
4. Political Department of the Government of India.
5. Superior Telegraph Engineering and Wireless Branch.
6. State Railways.
7. Indian Audit and Accounts Service.
8. Military Accounts Department.
9. Archæological Department and Zoological Survey of India
10. Survey of India.
11. Mines Department.
12. Meteorological Service.

The Honourable Sir Alexander Muddiman: I lay on the table a statement containing the required information.

Percentage of Indians employed in certain Indian Imperial Services.

Service.	Percentage.	REMARKS.
Indian Forest Service	*25 approximately .	*Percentage to actual strength.
Indian Service of Engineers	48	
Indian Educational Service—		
Men's Branch	*42·3	
Women's Branch	*20	
Political Department of the Government of India	7 approximately.	
Superior Telegraph—		
Engineering Branch	47	
Wireless Branch	14	
State Railway Engineering and Superior Revenue Services (including officers of the E. I. R.)	†22·6 approximately .	†On 1st April 1925.
Indian Audit and Accounts Service	67·6	
Military Accounts Department	22	
Archæological Department	*70	
Zoological Survey of India	*83·3	
Survey of India (Class I)	‡20	‡Percentage to sanctioned strength.
Mines Department	30	
Meteorological Service	68	

REORGANISATION OF THE ROYAL INDIAN MARINE.

102. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 41 regarding the reorganisation of the Royal Indian Marine, in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state whether the question is still under their consideration or whether they have arrived at a decision?

(b) If they have, will they please communicate the result to the House?

(c) If not, by what time are they likely to come to a definite conclusion?

Mr. E. Burdon: (a)—(c). The Government are not at present in a position to make any statement on the subject to which my Honourable friend refers.

INTRODUCTION OF A PROVIDENT FUND FOR GOVERNMENT EMPLOYEES.

103. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 51 regarding the introduction of a

Provident Fund for Government employees, in the meeting of the Legislative Assembly held on the 25th August, 1925, will Government please state if the decision indicated in their reply has been arrived at?

(b) If so, will they please communicate the result to the House?

The Honourable Sir Basil Blackett: (a) The attention of the Honourable Member is invited to the reply given on the 3rd September, 1925, to question No. 587 on the same subject by Haji S. A. K. Jeelani. The question is still under investigation.

(b) Does not arise.

CONSTRUCTION OF A PLATFORM AT GUPTIPURA STATION ON THE EAST INDIAN RAILWAY.

104. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 60 regarding the construction of a platform at Guptipura station on the East Indian Railway in the meeting of the Legislative Assembly held on the 25th August, 1925, will Government please state if they have brought the matter to the notice of the Agent?

(b) If so, have they received any reply from the Agent?

(c) If they have, will they please communicate the reply to the House?

Mr. G. G. Sim: (a) Yes.

(b) No.

(c) Does not arise.

INCONVENIENCES SUFFERED BY PASSENGERS AT MOGRA STATION ON THE EASTERN BENGAL RAILWAY.

105. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 61 regarding inconveniences suffered by passengers at Mogra station on the Eastern Bengal Railway in the meeting of the Legislative Assembly held on the 25th August, 1925, will Government please state if they have sent a copy of the question and answer to the Agent?

(b) If so, have they got any information from him as to whether any action has been taken by him in the matter?

(c) Is it the practice, when Government bring a matter to the notice of their subordinate authorities or send copies of questions and answers to them, that such authorities invariably reply to Government as to the action taken by them in the matter referred to?

Mr. G. G. Sim: (a) Yes

(b) and (c). No.

INTRODUCTION OF LEGISLATION TO GIVE EFFECT TO THE RECOMMENDATIONS OF THE CIVIL JUSTICE COMMITTEE.

106. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to unstarred question No. 66 regarding the Report of Civil Justice Committee in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state:

(a) if the Local Governments and High Courts, whom they have asked to inform them of the action which they may decide to take, have informed the Government as desired?

- (b) whether they propose to introduce Bills during this Session with regard to such recommendations as may involve legislation in the Central Legislature and with respect to which the proposals of the Committee are to be placed before the Legislature in the form of Bills before the Local Governments and judicial authorities are consulted?

The Honourable Sir Alexander Muddiman: (a) Reports of the action taken by Local Governments and High Courts on the many recommendations of the Civil Justice Committee referred to them by the Government of India are being received. The number of such references was many, and the reports are not yet complete.

(b) Some Bills dealing with recommendations of the Committee were introduced last Session, some were passed and some are pending. Further Bills will be introduced this Session.

OPINIONS OF THE CIVIL JUSTICE COMMITTEE REGARDING THE PROBITY AND EFFICIENCY OF THE PROVINCIAL JUDICIAL SERVICE.

107. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 67 regarding the opinions of the Civil Justice Committee regarding the probity and efficiency of the Provincial Judicial Service in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state if they have received the reports asked for by them?

- (b) If so, will they please lay on the table copies of the reports received?

The Honourable Sir Alexander Muddiman: As I stated in the reply referred to, we have asked for reports of the action taken in regard to the Committee's recommendations for improved methods of recruiting and training and for supervision and inspection. Those reports are not yet complete.

RECOMMENDATIONS OF THE CIVIL JUSTICE COMMITTEE REGARDING VILLAGE TRIBUNALS.

108. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 68 regarding the recommendations of the Civil Justice Committee regarding village tribunals, in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state if they have received the reports asked for by them?

- (b) If so, will they please lay on the table copies of the reports received?

The Honourable Sir Alexander Muddiman: The replies from all Local Governments and Administrations have not yet been received.

INQUIRY INTO THE CAUSE OF THE DEATH OF MISS BHOJI T. SIPAHIMALANI IN THE LADY HARDINGE MEDICAL COLLEGE HOSPITAL.

109. ***Mr. Chaman Lal:** 1. Is it a fact that Miss Bhoji T. Sipahimalani died in the Lady Hardinge Medical College Hospital while being operated upon?

2. Has Dr. Mathai been suspended in connection therewith?
8. Has an inquiry been held as to the real cause of the patient's death?
4. If not, are Government prepared to hold an inquiry immediately into the causes of this occurrence?

Mr. J. W. Shore: 1. Yes.

2. Dr. Mathai was first suspended and ultimately permitted to resign the Women's Medical Service Training Reserve.

3. A careful inquiry was made by the Countess of Dufferin Fund Committee. The finding was that it was impossible, since the examination proposed by Dr. Campbell was declined by the brother of the deceased, to state with certainty what was the immediate cause of death; it was doubtful whether an examination if performed could have resulted in any other verdict than death by chloroform poisoning during anæsthesia.

4. This question does not arise.

PREVALENCE OF TOUTING IN BRITISH INDIA.

110. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the observations of the Bar Committee "The evidence which we have received leaves no doubt that touting of various kinds prevails in most provinces of India" recorded in Chapter 8 of the Report of the Civil Justice Committee paragraph 18, under the heading "Touting," will Government please:

- (a) state if they are aware of the provinces of British India in which touting prevails and in which it does not?
- (b) state whether touting prevails in Great Britain or in any other country?

The Honourable Sir Alexander Muddiman: (a) Government are aware of the existence of the evil. The Indian Bar Committee in fact reported that the evidence received by them left no doubt that touting prevailed in most parts of India.

(b) Government have no special information on the point.

PREVENTION OF TOUTING IN INDIA.

111. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the remarks recorded in Chapter 8 of the Report of the Civil Justice Committee from paragraph 19 to paragraph 22 under the heading "Touting", will Government please state if they intend to devise some measure of reform on the lines of the suggestions made in paragraph 22 under the heading "Touting"?

(b) If not, do they propose to draw the special attention of Local Governments to the matter?

The Honourable Sir Alexander Muddiman: Yes. I invite the Honourable Member's attention to the Bill further to amend the Legal Practitioners Act, 1879, on the lines recommended by the Civil Justice Committee which was introduced in the Legislative Assembly on the 27th August, 1925, and was later circulated for the purpose of eliciting opinions under the orders of this House.

PREVALENCE OF *BENAMI* TRANSACTIONS IN INDIA.

112. ***Khan Bahadur Sarfaraz Hussain Khan:** 1. With reference to the note on *benami* transactions recorded in pages 602 to 610 of the Report of the Civil Justice Committee will Government please state:

- (a) whether they propose to take action on the lines of the recommendations recorded by the Honourable Mr. Justice Louis Stuart, C.I.E., I.C.S., Diwan Bahadur Sir Tirumalai Desika Achariyar Avargal, Kt., and Dr. Sir Tej Bahadur Sapru, K.C.S.I., in paragraph 19 of the note?
- (b) if not, whether they propose to consult the Local Governments on the subject?

2. Will they please also state whether *benami* transactions prevail in Great Britain or in any other country?

The Honourable Sir Alexander Muddiman: (a) and (b). In regard to the evils of the *benami* system the Committee were agreed, but they were sharply divided as to the advisability of attempting to remove these evils by legislation at the present time. The Government of India share the view of the three members of the Committee who on page 610 of the Report have observed that they were far from satisfied that the proposals made by the other three members would lead to a change—fairly swift and fairly complete—in the habits or practice of the people in regard to title to property. They have accordingly decided not to pursue further the question of legislating to check the *benami* system as a whole, but they have consulted Local Governments on the specific recommendation of the whole Committee for the amendment of section 66 of the Code of Civil Procedure, 1908, which deals with *benami* purchases at court sales, so as to extend its provisions to defendants who at the time of the suit are not in possession of the properties sold in auction.

(c) Government have no special information on the point.

EXPENDITURE ON OPERATIONS UNDERTAKEN BY THE ROYAL AIR FORCE.

113. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the Report of the Air Vice-Marshal Commanding the Royal Air Force in India to His Excellency the Commander-in-Chief and the report of His Excellency the Commander-in-Chief to the Government of India, published in the Gazette of India Extraordinary, dated Delhi, November 20, 1925, will the Government be pleased to state:

- (a) the amount sanctioned for the operations referred to?
- (b) expenses actually incurred throughout the operations?

Mr. E. Burdon: (a) No specific amount was sanctioned for the operations in question.

(b) The attention of the Honourable Member is invited to the reply given on the 21st January, 1926, to starred question No. 79, asked by Mr. Gaya Prasad Singh.

MILITARY EXPENDITURE.

114. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply "The accounts for the year 1924-25 are still open for adjustments and the final actuals of expenditure will not be available before

January next " to unstarred question No. 72 in the meeting of the Legislative Assembly held on the 25th August, 1925, regarding military expenditure, will Government please state if the accounts referred to are now available?

(b) If so, will they please furnish them to the House?

The Honourable Sir Basil Blackett: The Finance and Revenue Accounts for 1924-25 will be published shortly.

REVISION OF THE PAY OF ACCOUNTANTS AND CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT.

115. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to unstarred question No. 79 (a), regarding the revision of the pay of accountants and clerks in the Military Accounts Department, in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state:

(a) if the orders referred to have been issued?

(b) if not, when they are expected to be issued?

The Honourable Sir Basil Blackett: Yes.

APPLICATIONS FOR TRANSFERS FROM ACCOUNTANTS AND CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT.

116. ***Khan Bahadur Sarfaraz Hussain Khan:** Has the information which the Government promised to call for in reply to unstarred question No 88 in the meeting of the Legislative Assembly held on 25th August, 1925, been received, and, if so, will the Government please furnish it to the House?

The Honourable Sir Basil Blackett: The information was received and communicated to Dr Lohokare.

ACTION TAKEN BY GOVERNMENT ON THE REPORT REGARDING HUMIDIFICATION.

117. ***Mr. Chaman Lal:** Will Government state if they have taken any action on the report regarding humidification submitted to them some time ago?

The Honourable Sir Bhupendra Nath Mitra: The Government of India consulted Local Governments on all the questions involved in a letter issued on the 26th April, 1924, which was subsequently published for general information. On receiving the replies of Local Governments, the questions were re-examined, and the conclusions of the Government of India were conveyed to Local Governments in a letter, dated the 11th December, 1925, of which a copy is being sent to the Honourable Member. As he is aware, most of the recommendations made in the report relate to matters lying within the authority of Local Governments, but the Government of India have included in the Bill to amend the Indian Factories Act, 1911, which is now before the Assembly, clauses designed to carry out the recommendations in respect of the reduction of excessive temperatures in factories.

Mr. N. M. Joshi: May I ask if, in view of the fact that this matter is one of public importance, the Honourable Member will publish the Government of India's reply or decisions, or lay the decisions on the table of this House?

The Honourable Sir Bhupendra Nath Mitra: I shall consider that matter.

Mr. N. M. Joshi: May I ask why the Honourable Member should think it necessary to consider the matter? It is a question asked in the Legislative Assembly.

Mr. President: Order, order. The Honourable Member need not argue. He may put the question.

Mr. N. M. Joshi: I am putting the question.

Mr. President: Will the Honourable Member put the question?

Mr. N. M. Joshi: I want to know why Government should take time to consider the matter.

The Honourable Sir Bhupendra Nath Mitra: That is a matter for the decision of Government.

PROHIBITION OF GOVERNMENT EMPLOYEES FROM JOINING THE ALL-INDIA TRADE UNION CONGRESS.

118. ***Mr. Chaman Lall:** Will Government state if they have issued any orders or instructions in any department prohibiting Government employees from joining the All-India Trade Union Congress?

The Honourable Sir Alexander Muddiman: The only general orders or instructions bearing on this matter are contained in Rule 23 of the Government Servants Conduct Rules, which debar any Government servant from taking part in or subscribing in aid of, any political movement in India or relating to Indian affairs. Following this rule, the Director-General, Posts and Telegraphs, recently refused to permit a postal union to join the All-India Trade Union Congress so long as the latter retains political propaganda as part of its programme.

Mr. A. Rangaswami Iyengar: May we know what is and what is not a political movement. What is the criterion set down in this case by the Director-General, Posts and Telegraphs, to say what is a political propaganda.

The Honourable Sir Alexander Muddiman: It is very difficult to define what the word "political" means.

Mr. A. Rangaswami Iyengar: How then does the Honourable the Home Member expect the subordinates of the Posts and Telegraphs to distinguish in this matter?

The Honourable Sir Alexander Muddiman: I do not think there is any difficulty in distinguishing in a concrete case.

Mr. Devaki Prasad Sinha: Is it not a fact, Sir, that a large number of the members of the I. C. S. indulge in political propaganda?

The Honourable Sir Alexander Muddiman: I am not aware of that.

Mr. Chaman Lall: May I ask another supplementary question on question No. 118?

What evidence have Government got which makes them believe that the All-India Trade Union Congress is a political organisation, and not a purely Trade Union organisation?

The Honourable Sir Alexander Muddiman: I would like notice of that question.

Lala Lajpat Rai: May I ask if the orders of the Government imply that no employees of Government in any department can form themselves into a Trade Union?

The Honourable Sir Alexander Muddiman: Not at all. They can form themselves into Trade Unions for the purpose of protecting their own interests. That is quite a different matter from Trade Unions amongst the objects of which are political aims.

Mr. Devaki Prasad Sinha: Can Government name any other country in which postal workers are prevented from joining Trade Unions?

The Honourable Sir Alexander Muddiman: I do not know what the practice is in other countries.

GRIEVANCES OF EMPLOYEES OF GOVERNMENT RAILWAYS.

119 ***Mr. Chaman Lall:** Have Government issued any circulars preventing employees of Government Railways from approaching Honourable Members of the Central Legislature with their grievances?

The Honourable Sir Charles Innes: I would refer the Honourable Member to the reply given to a similar question by Mr. K. Ahmed on the 6th September 1922 in this House.

INQUIRY INTO THE CONDITIONS OF LIFE AND LABOUR OF WORKERS ENGAGED IN THE COTTON, JUTE, COAL AND TEA INDUSTRIES.

120 ***Mr. Chaman Lall:** Will Government inform the House whether they intend to make an inquiry into the conditions of life and labour of the workers engaged in the following industries, *vis.*, Cotton, Jute, Coal and Tea?

The Honourable Sir Bhupendra Nath Mitra: The answer is in the negative.

Mr. Chaman Lall: Are we to understand that Government do not find it necessary to make an inquiry into the working conditions of workers in these industries?

The Honourable Sir Bhupendra Nath Mitra: Not at the present moment.

Mr. Chaman Lall: Are Government satisfied that the conditions of life and labour of the workers are so satisfactory as not to require their attention?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is probably aware that an Economic Inquiry Committee was appointed by Government and that it made certain recommendations which are now receiving the consideration of the Government of India.

Mr. Chaman Lall: May I ask, Sir, if these recommendations have anything whatsoever to do with these questions?

The Honourable Sir Bhupendra Nath Mitra: They have, Sir, because the Economic Inquiry Committee were in fact dealing with the general question of the method of conducting an economic survey of the conditions of the people.

Mr. Devaki Prasad Sinha: Are Government aware that the Economic Inquiry Committee recommended that these things should be inquired into?

The Honourable Sir Bhupendra Nath Mitra: If so, then the matter is under consideration of Government.

Mr. A. Rangaswami Iyengar: May I know whether the Economic Inquiry Committee was solely concerned with the question of how an economic inquiry should be conducted, or with the question whether any economic inquiry should be conducted as to particular areas or persons?

The Honourable Sir Bhupendra Nath Mitra: It was concerned with the general question as to how economic inquiries should be conducted.

Mr. Devaki Prasad Sinha: Have Government given effect to the proposal of the Economic Inquiry Committee for an inquiry into the conditions of the workers in the cotton, jute, coal and tea industries?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to the answer given to his question No. 4 on the first day of the Session, when he was not present.

Mr. K. Ahmed: Is it not a fact that the Honourable Sir Bhupendra Nath Mitra has been visiting the tea gardens lately? (*An Honourable Member:* "And the coalfields".) Has he found any reform that the Government might make in the conditions of the poor labourer?

IMPROVEMENT OF FACTORY INSPECTION.

121. ***Mr. Chaman Lall:** Are Government prepared to institute an inquiry into the working of the system of factory inspection with a view to its improvement?

The Honourable Sir Bhupendra Nath Mitra: Government see no reason to take the action suggested.

Mr. Chaman Lall: Is it a fact that the working of the factory system is very unsatisfactory?

The Honourable Sir Bhupendra Nath Mitra: Not to my knowledge.

Mr. Devaki Prasad Sinha: Is it a fact that the working of the factory system is quite perfect?

The Honourable Sir Bhupendra Nath Mitra: Not to my knowledge.

Mr. Chaman Lall: Has the Honourable Member read the report of the Factory Inspectors?

The Honourable Sir Bhupendra Nath Mitra: I do read them.

Mr. Chaman Lall: Does he find the reports satisfactory and consoling?

The Honourable Sir Bhupendra Nath Mitra: They certainly indicate that considerable progress is being made in this matter from year to year. We cannot possibly reach perfection all at once.

PROSECUTIONS INSTITUTED UNDER THE INDIAN FACTORIES ACT.

122. ***Mr. Chaman Lall:** Will Government place on the table a detailed statement showing the number of prosecutions, the fines levied in each case and the punishments awarded under the Indian Factories Act for the twelve months ending the 1st October, 1925?

The Honourable Sir Bhupendra Nath Mitra: The latest available statistics are for the year ending December 31st, 1924, during which 625 convictions were obtained. The Government of India have not been furnished with full particulars regarding the fines obtained in each of these cases, and the Honourable Member is referred to the Provincial Factory Reports for further information.

Mr. Devaki Prasad Sinha: Will the Government be pleased to state whether any prosecution has taken place under the Indian Factories Act for not granting the weekly holiday, as prescribed in the Act, to workers in the Jamshedpur Iron and Steel industry?

The Honourable Sir Bhupendra Nath Mitra: Sir, as I do not carry in my head the facts in regard to the point in the factory report, I shall require notice of that question.

SUBJECTION TO POLICE SURVEILLANCE OF CERTAIN MEMBERS OF THE LEGISLATIVE ASSEMBLY.

123. ***Mr. Chaman Lall:** (a) Is it a fact that the correspondence of certain Honourable Members of the Legislative Assembly is opened before delivery?

(b) Is it a fact that certain Honourable Members of the Legislative Assembly are closely watched when moving from place to place?

(c) Is it a fact that telegrams are often despatched from station to station asking the railway police to watch ticket holder so and so?

(d) Will Government state the authority under which such action is taken?

The Honourable Sir Alexander Muddiman: (a) Governments in India are vested under section 26 of the Post Office Act with powers to intercept correspondence in certain circumstances and it would not be in the public interest to disclose the occasions on which these powers are exercised. I am therefore unable to give the Honourable Member any information in the matter.

(b) Not, so far as the Government of India are aware.

(c) Yes, in the case of suspected persons; but I would point out to the Honourable Member that railway officials constantly take the numbers of tickets held by superior class passengers, and he must not assume that the fact that ticket numbers are noted means that the persons holding these tickets are suspected.

(d) This has been sufficiently answered by the replies to the previous parts of the question.

Mr. Chaman Lall: May I ask the Honourable Member if he is aware that the correspondence of certain Honourable Members of the Assembly is opened by the Post Office authorities, and further is he aware that there are Members present here in this House to-day who are being watched every time they travel?

The Honourable Sir Alexander Muddiman: I am not aware of it, and if I were aware of it, I would not disclose it.

Mr. Chaman Lall: May I inform the Honourable Member that we are aware of this fact, and that we would request him to take action in this matter.

The Honourable Sir Alexander Muddiman: Which fact?

Mr. Chaman Lall: That Honourable Members are watched.

The Honourable Sir Alexander Muddiman: If the Honourable Member will bring me any specific complaint, as I told him a year ago, I will look into it. I made that offer a year ago and he brought forward no instance.

Mr. Chaman Lall: May I ask the Honourable Member whether it is not his business to find out when a question is put to him?

The Honourable Sir Alexander Muddiman: Most certainly not; on an allegation of that character it is the duty of the person making the allegation to bring to my notice facts on which I can act and not to make fishing allegations.

Mr. Chaman Lall: May I ask the Honourable Member whether he is aware that the correspondence of Lala Lajpat Rai is opened and that he is watched when he travels on the railways?

The Honourable Sir Alexander Muddiman: I am not aware of it, and, if I were, I would not disclose it.

Mr. Chaman Lall: Will the Honourable Member look into it?

The Honourable Sir Alexander Muddiman: If the Honourable Member comes to my Department with a complaint, I will look into it.

Mr. A. Rangaswami Iyengar: May I ask if the Honourable Member is aware that these police people who have to do these duties are sometimes exceedingly stupid?

The Honourable Sir Alexander Muddiman: I am aware of it, and I am also aware that other people are sometimes exceedingly stupid.

INQUIRY INTO UNEMPLOYMENT IN INDIA.

124. ***Mr. Chaman Lall:** (a) Will Government state whether they gave any assistance to the millhands of Bombay in 1925 by way of relief or unemployment doles?

(b) Do Government propose to institute an inquiry into the state of unemployment in India?

(c) Is it the policy of the Government to help the unemployed capitalist by way of inquiries, subsidies and doles but not the workers and peasants?

The Honourable Sir Bhupendra Nath Mitra: As far as the Government of India are concerned, the reply to all three parts of the question is in the negative.

Mr. Chaman Lal: Do I understand that the Honourable Member has answered the whole question?

The Honourable Sir Bhupendra Nath Mitra: Yes.

Mr. Chaman Lal: May I ask the Honourable Member whether he is aware of the fact that there is a great deal of unemployment in this country and whether it would not be wise for the Government to institute an inquiry into the causes of unemployment?

The Honourable Sir Bhupendra Nath Mitra: I have already replied to that question, Sir, in my main reply.

Mr. N. M. Joshi: What is the reply? We want to know whether Government propose to do anything in regard to unemployment. There is unemployment in Bombay; we want to know whether Government propose to do anything to meet that unemployment?

The Honourable Sir Bhupendra Nath Mitra: If the Honourable Member had listened to my reply he would have found that the answer is there.

Mr. N. M. Joshi: Will the Honourable Member have the courtesy to read his reply?

The Honourable Sir Bhupendra Nath Mitra: I have already given my reply. If the Honourable Member did not care to listen to me, I cannot help it.

Mr. Devaki Prasad Sinha: What is the reason which prevents Government from taking any steps to reduce the unemployment referred to in this question?

The Honourable Sir Bhupendra Nath Mitra: Sir, I cannot possibly answer an argument like that in reply to a question. The Honourable Member has other means of raising a debate in the Assembly on this subject.

Mr. Devaki Prasad Sinha: Will the Honourable Member give any of the reasons that prevent Government from making an inquiry?

The Honourable Sir Bhupendra Nath Mitra: I do not propose to do so at this stage.

Mr. Devaki Prasad Sinha: What are the reasons which prevent Government from giving us any reply? May I ask the Honourable Member, Sir, whether he has considered the question of unemployment in India or not?

The Honourable Sir Bhupendra Nath Mitra: I have.

Mr. Devaki Prasad Sinha: Does his inquiry disclose the fact that there is a very serious state of unemployment in this country?

The Honourable Sir Bhupendra Nath Mitra: No, Sir.

Mr. N. M. Joshi: May I ask whether there is not unemployment in Bombay on account of the closure of certain mills there?

The Honourable Sir Bhupendra Nath Mitra: There is a certain amount of unemployment there, but these matters cannot be settled one way or the other until you have an economic survey.

Mr. Chaman Lal: Will the Honourable Member lay all the papers in connection with his inquiry on the table?

The Honourable Sir Bhupendra Nath Mitra: No, Sir.

Mr. N. M. Joshi: May I inquire whether the Honourable Member will make a limited economic survey in Bombay regarding the unemployment there due to the closure of the mills?

The Honourable Sir Bhupendra Nath Mitra: The matter is primarily one for the Local Government and the Government of India do not see any reason to interfere at this stage with the functions of the Local Government in this matter.

Mr. Devaki Prasad Sinha: Are the Government aware of any inquiry by the Local Government in this matter?

The Honourable Sir Alexander Muddiman: I would point out that there is a Resolution on the paper on this subject.

Mr. Devaki Prasad Sinha: That relates only to the educated classes.

Are Government aware of any steps taken by the Local Government in regard to unemployment among the mill hands in Bombay due to the closure of certain mills there?

The Honourable Sir Bhupendra Nath Mitra: That is a matter to be inquired into in the Legislative Council of the Local Government

Mr. Chaman Lall: May I know whether the question of unemployment and unemployment insurance and the poor law is a matter for the Local Government and not for the Central Legislature?

The Honourable Sir Bhupendra Nath Mitra: We are not talking about legislation at the present moment.

Mr. Devaki Prasad Sinha: Is it not one of the functions of the department over which my Honourable friend presides to keep itself informed of the steps taken wherever labour troubles arise?

The Honourable Sir Bhupendra Nath Mitra: Not, Sir, until questions of legislation are involved.

Mr. K. Ahmed: Is not the Honourable Member in charge of the Labour Department, Sir?

Mr. Chaman Lall: Question No 125.

The Honourable Sir Basil Blackett: That has already been answered.

Mr. Chaman Lall: May I ask the Honourable Member what reply has been given to 125?

The Honourable Sir Basil Blackett: The reply to question No. 4.*

Mr. Devaki Prasad Sinha: But I understand that question No. 4 which stood in my name was not asked on the first day.

The Honourable Sir Basil Blackett: It was answered, Sir.

Mr. Chaman Lall: Question No 126.

The Honourable Sir Alexander Muddiman: I have already answered† that.

*Answered on the 21st January, 1926.

†Vide answer to question No. 12 on the 21st January, 1926.

**ALLEGED DETENTION OF ASSEMBLY VOTERS AT THE LAST ELECTIONS
AT SIRHALI.**

127. ***Mr. Ohaman Lall:** (a) Will Government be pleased to state whether they have any information regarding the detention of Assembly voters at the last elections at Sirhali?

(b) Will Government state what action was taken by them in regard to this incident?

(c) Will Government be pleased to state the names of the officials who are alleged to have prevented voters from exercising their rights in the said elections?

The Honourable Sir Alexander Muddiman: I would invite the Honourable Member's attention to my reply to his own question No. 819 on the 14th September, 1925.

Mr. Ohaman Lall: May I inform the Honourable Member that the Government gave a definite promise, when they were heckled in September last, that they would take steps to answer this question during the next Session.

The Honourable Sir Alexander Muddiman: I must verify that—I was not aware of it. If it is so, I will take steps.

Mr. Ohaman Lall: May I with your permission, Sir, remind the Honourable Member that the Government did actually give us this reply, that the question, if it is repeated in the House, would be replied to.

The Honourable Sir Alexander Muddiman: I must verify that; of course if that is so, it will be carried out. On the information before me I can say nothing more.

Mr. Ohaman Lall: May I take it that the Honourable Member will at his convenience answer this question this Session?

The Honourable Sir Alexander Muddiman: Certainly. If I promised to have inquiries made.

128.†

AREA OF LAND ACQUIRED FOR THE GRANT ROAD TERMINAL STATION.

129. ***Mr. N. M. Dumasia:** (a) Will Government be pleased to state what the area of land is that has been acquired already for the Grant Road Terminal Station at Bellasis Road?

(b) What is the total cost up to date of such acquisition?

(c) What area of land still remains to be acquired and what will be the cost thereof?

(d) Are there any acquisition proceedings still pending in connection with the acquisition of land?

Mr. G. G. Sim: (a) 138,887,89 sq. yards.

(b) Rs. 95,19,784.

(c) All the necessary land has been acquired.

(d) No.

Mr. B. Das: Have Government decided that they are going to have two terminal stations in Bombay, one for the Bombay, Baroda and Central India and one for the Great Indian Peninsula Railway?

†Answered on the 21st January, 1925, along with question No. 6.

Mr. G. G. Sim: No, Sir; no final decision has been arrived at.

Mr. B. Das: May I know if Government invited some experts from Hyderabad, from the Nizam's Railway, to investigate into the problem of a branch route?

The Honourable Sir Charles Innes: That is correct, Sir.

Mr. N. M. Dumasia: Was he aware of the local conditions?

The Honourable Sir Charles Innes: He made inquiry.

LONG DISTANCE TERMINAL STATION AT GRANT ROAD, BOMBAY.

130. ***Mr. N. M. Dumasia:** (a) Will Government be pleased to state what progress has been made towards the creation of the long distance terminal station at Grant Road?

(b) Is it a fact that the Great Indian Peninsula Railway authorities desire one long distance terminal station at Bori Bunder?

(c) Is it a fact that the Bombay, Baroda and Central India Railway authorities are strongly opposed to the scheme of one terminus?

(d) Have Government recently taken the opinion of the Bombay public on the question?

Mr. G. G. Sim: (a) The question of providing a long distance terminal at Grant Road is still under consideration as part of an investigation into the whole problem of railway facilities in Bombay which is being carried out by an independent expert; his report is awaited.

(b) The Great Indian Peninsula Railway Administration are prepared to arrange for the reception of Bombay, Baroda and Central India Railway long distance traffic at Victoria Terminus and it is understood that they consider this to be the best policy.

(c) The Bombay, Baroda and Central India Railway authorities were at one time opposed to the proposal to terminate their long distance trains at Victoria Terminus but they are now awaiting the result of the independent investigation before coming to a final decision in conjunction with the Railway Board.

(d) Yes. All important public bodies were asked to communicate their views to the investigating officer.

Mr. N. M. Dumasia: Are Government aware that the Bombay Municipal Corporation have already passed a resolution strongly recommending the retention of Grant Road as a long distance terminus?

Mr. G. G. Sim: I have seen such a statement in the Press but, as I have already informed the Honourable Member, the Government are still awaiting the report of the independent expert who will have before him the views of all important bodies in Bombay, and no decision will be arrived at until his report is received.

TERMINAL STATIONS FOR BOMBAY.

181. ***Mr. N. M. Dumasia:** (a) Will Government be pleased to state whether they propose to consult the Indian Merchants' Chamber, the Bombay Municipal Corporation and the Passengers' and Traffic Relief Association about the desirability and necessity of having two terminal stations for Bombay in view of the growth of the city and its suburbs?

(b) Is it a fact that representations have already been made to Government by various public bodies that one terminus at Bori Bunder station will cause hardship and entail loss on the suburban passengers coming from a long distance?

(c) Is it a fact that the Local Advisory Committee of the Bombay, Baroda and Central India Railway and the Passengers' and Traffic Relief Association (Bombay) have unanimously given their opinion in favour of retaining Grant Road as the Terminus for the Bombay, Baroda and Central India Railway long distance passengers?

Mr. G. G. Sim: (a) As already stated in reply to part (d) of the last question important bodies of Bombay were asked to communicate their views to the investigating officer.

(b) No. There is no proposal to have a single terminus for all suburban passengers at Bori Bunder.

(c) The Local Advisory Committee of the Bombay, Baroda and Central India Railway gave an opinion on 29th January, 1925, in favour of a separate terminal station for the Bombay, Baroda and Central India Railway long distance traffic at Bellasis Road.

182.†

SUBMISSION OF THE WHOLE BUDGET ANNUALLY TO THE VOTE OF THE ASSEMBLY.

183 ***Sir Hari Singh Gour:** (a) Are the Government aware that on the 26th January, 1922, this Assembly decided by a majority of 51 to 27 votes that the distinction between "votable" and "non-votable" items in the Budget should be eliminated and that the whole Budget should be annually submitted to the vote of the Assembly?

(b) Is it a fact that almost all the non-official Europeans present including Sir Frank Carter, Sir William Keith, Sir Darcy Lindsay, Sir Frank McCarthy and Mr. Spence voted with the majority?

(c) Is it a fact that Sir Godfrey Fell, the Army Secretary, speaking for himself was of opinion that the Army Budget should be annually submitted to the vote of the House?

(d) Will the Government be pleased to state what action they have taken upon the recommendation of the Assembly?

The Honourable Sir Basil Blackett: The Honourable Member, who is not, I think, present now, was present at the discussion referred to while I was not, and I presume he has put the question for my information and not for his. I have looked up the official report of the discussion and I find that his recollection is not quite as accurate as it might have been. The Resolution mentioned appears to have been adopted without a division, the votes referred to being recorded on a verbal amendment to the

†Answered on the 21st January, 1926, along with question No. 12.

original Resolution. I cannot find anything in Sir Godfrey Fell's speech that can bear the construction placed on it by the Honourable Member.

As regards the last part of the question, as Sir Malcolm Hailey informed the House on the 28th February, 1922, the opinion of the Law Officers of the Crown was that under the terms of the Government of India Act it was not competent for the Governor General to place on the vote subjects reserved from that vote by Statute. Beyond communicating the Resolution to the Secretary of State, the Government, therefore, could take no action in the matter.

CURTAILMENT OF THE POWERS OF THE GOVERNOR GENERAL TO
CERTIFY PASSED BILLS.

134. *Sir Hari Singh Gour: (a) Are the Government aware that the Legislative Assembly, by a Resolution on the 10th July, 1923, decided to recommend the amendment of section 67-B of the Government of India Act curtailing the power of the Governor General to certify passed Bills?

(b) What effect have the Government given to the recommendation?

The Honourable Sir Alexander Muddiman: (a) and (b). I refer the Honourable Member to the reply given by my predecessor to his starred question No. 162 on the 5th February, 1924.

REVISION OF THE INDIAN CONSTITUTION.

135. *Sir Hari Singh Gour: (a) Are the Government aware that on the 29th September, 1921, this House unanimously decided with the concurrence of the Government that "the progress made by India on the path of responsible Government warrants a re-examination and revision of the constitution at an earlier date than 1929"?

(b) Is it a fact that a year later His Majesty's Secretary of State, Lord Peel, published a despatch in which occurs the following passage:

"No such attempt was made, and the arguments used in support of the motion consequently lose some of their cogencies in my view for three reasons. In the first place they assume that progress is impossible under the existing constitution and can be achieved only by further amendment of the Government of India Act. This assumption I believe to be fundamentally erroneous. The outstanding feature of the change made by the Act of 1919 was that it provided British India with a progressive constitution in place of an inelastic system of Government, and that consequently, there is room within the structure of that Constitution for the Legislatures to develop and establish for themselves a position in conformity with the spirit of the Act."

(c) Is it a fact that a Resolution was passed by the Assembly on the 18th July, 1923, recommending to Government the granting of further reforms possible within the existing constitution?

(d) Is it a fact that this Resolution, though opposed by Government, was carried by 43 votes to 80?

(e) Will the Government be pleased to state what order has been passed by the Secretary of State upon this Resolution which was stated to have been communicated to his Lordship in due course by the Government of India?

(f) Is it a fact that in reply to an interpellation put to Government on the 5th February 1924 the Honourable Sir Malcolm Hailey, the then Home Member, stated that though the Government had sent up the Resolution to the Secretary of State, no orders had been passed and in answer to a supplementary question as to how long it takes to receive a reply from the Secretary of State, the Honourable the Home Member replied: "It varies, Sir, it varies."?

(g) Will the Government be pleased to state if the Government have yet received any reply from the Secretary of State on the subject? If so, will the Government be pleased to communicate it to the House?

(h) If no reply has yet been received will the Government be pleased to state if they have reminded the Secretary of State that the reply was overdue, and what action, if any, did the Government take to obtain the reply?

The Honourable Sir Alexander Muddiman: (a) It is true that a motion to this effect was put to the House and was carried without a division. The Honourable Member must, however, be well aware that this was due to misunderstandings. The attitude of Government on that occasion had been fully explained in the course of the debate and my predecessor, Sir Malcolm Hailey, indicated on more than one occasion that there had been a misapprehension on the subject of that Resolution.

(b), (c), (d) and (f). The answers are in the affirmative.

(e) and (g). The Secretary of State has not communicated any orders upon the Resolution referred to.

(h) The letter of the Government of India forwarding a copy of the Resolution and of the debate did not necessarily call for any reply.

REVISION OF THE INDIAN CONSTITUTION.

136. ***Sir Hari Singh Gour:** Will the Government be pleased to state if in view of the statement contained in the Muddiman Committee's Report of the possibility of expansion of the Indian Constitution within the Act, the Government propose to take any action or impress upon the Secretary of State the desirability of taking action in accordance with the recommendation of the Legislative Assembly?

The Honourable Sir Alexander Muddiman: I am sorry, I do not understand the Honourable Member's question. That also applies to question No. 137.

REVISION OF THE INDIAN CONSTITUTION.

+137. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state if it is not a fact that on all the occasions referred to in the preceding questions when Resolutions were moved in the Assembly, the non-co-operation movement was at its full height?

(b) Is it a fact that the Government never mentioned anything about the non-co-operation movement as impeding the progress of reforms?

(c) Will the Government be pleased to state when, for the first time, the Government began to mention the existence of non-co-operation as blocking the further political progress of the country?

* For answer to this question, see answer to question No. 136.

THE COMMONWEALTH OF INDIA BILL.

138. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state if their attention has been drawn to a Bill known as the Commonwealth of India Bill?

(b) Will they be pleased to state if the Secretary of State has consulted the Government of India upon it and whether the Government have given any reply to the Secretary of State?

(c) Will the Government be pleased to lay on the table their reply, if any, given?

The Honourable Sir Alexander Muddiman: Government received a few days ago, on the 18th January, 1926, a copy of the Commonwealth of India Bill as introduced in the House of Commons.

(b) No.

(c) Does not arise.

RETENTION OF POSTS RECOMMENDED FOR ABOLITION BY THE INCHEAPE COMMITTEE.

139 ***Sir Hari Singh Gour:** (a) Will the Government be pleased to lay on the table a statement showing how far the retrenchments recommended by the Inchcape Committee have been given effect to, and what posts the abolition of which was recommended by that Committee have not yet been abolished?

(b) Will the Government be pleased to state their reasons for not abolishing those posts?

(c) Will the Government be pleased to state if it is their intention to abolish all those posts, the retention of which was considered unnecessary by the Inchcape Committee?

The Honourable Sir Basil Blackett: Statements showing the action taken on the recommendations of the Retrenchment Committee have from time to time been placed before the House. Up-to-date information is being collected and will be laid on the table in due course.

ABOLITION OF DIVISIONAL COMMISSIONERSHIPS.

140. ***Sir Hari Singh Gour:** (a) Are the Government aware that a Resolution was moved in the Legislative Assembly on the 23rd March, 1922, for the abolition of the posts of Divisional Commissioners in the Provinces wherever they existed?

(b) Is it a fact that the Honourable the Home Member promised to consider the question after consulting the Local Governments on the subject?

(c) Will the Government be pleased to state if the Local Governments were consulted on the subject?

(d) If so, with what result?

The Honourable Sir Alexander Muddiman: The reply to parts (a) and (b) is in the affirmative. For the reply to parts (c) and (d) I would refer the Honourable Member to the replies given to his own question No. 55 in this House on 1st February, 1924, and to Mr. Gaya Prasad Singh's question No. 801 on 1st September, 1925.

ABOLITION OF DIVISIONAL COMMISSIONERSHIPS.

141. ***Sir Hari Singh Gour:** (a) Are the Government aware that several Retrenchment Committees appointed by several Local Governments have recommended the abolition of the posts of Divisional Commissioners?

(b) Is it a fact that Resolutions in the several local Councils have been passed to the same effect?

(c) Will the Government be pleased to state what retrenchment is possible by the abolition of the posts of Divisional Commissioners wherever they exist?

The Honourable Sir Alexander Muddiman: The reply to parts (a) and (b) is in the affirmative. I regret that it is impossible to supply the information asked for in part (c). The extent of the economy in each case would depend on the arrangements that would have to be made for disposing of the work at present done by Commissioners. These arrangements and consequently the extent of the economy would vary from province to province.

ESTABLISHMENT OF A CIRCUIT COURT OF THE LAHORE HIGH COURT IN DELHI.

142. ***Sir Hari Singh Gour:** (a) With reference to the Government's reply to question No. 922 given on the 15th September, 1925, that the question about the establishment of a circuit court of the Lahore High Court in Delhi was under consideration by the Government, will they be pleased to state what decision they have arrived at?

(b) Is it a fact that both the Punjab High Court and the local administration are in favour of the establishment of such a court in Delhi?

The Honourable Sir Alexander Muddiman: (a) The decision of Government is embodied in the following extract from their orders, which I will read to the House:

"The establishment of a circuit court was proposed for the disposal of appellate, and not original, cases, and no suggestion has been made that the establishment of a permanent bench of the Lahore High Court at Delhi could be justified. This being so, it appears to the Government of India possible that the establishment of a circuit court in Delhi for the disposal of appellate cases might involve a greater delay and expense to the litigants than the existing system when the cases are filed and disposed of in Lahore. Further, the proposal would result in expenditure not only in the provision of the necessary accommodation but in the time of the Judges occupied by movements between Lahore and Delhi. It is presumed that the main cause for the original recommendation was the exchange position which resulted in a substantial increase in the number of commercial cases filed in Delhi. These cases have now been practically disposed of. Further, if the delays in the disposal of civil appeals in the High Court are reduced to reasonable proportions by the adoption of such changes as may follow from the recommendations of the Civil Justice Committee, the remedy originally anticipated from the establishment of a circuit court will be otherwise secured. The Government of India have accordingly decided that it is unnecessary to locate a circuit court in Delhi."

(b) It is true that the Punjab High Court and the local Administration did originally support the proposal to establish such a court.

Mr. K. Ahmed: If that is so, Sir, will Government be pleased to state how it is and why it is that there is a circuit court in Cuttack from the Patna High Court, and why it should not be possible, as the Honourable the Home Member says, to have a similar court in Delhi?

The Honourable Sir Alexander Muddiman: I should have thought that it would have appeared to the Honourable Member that there was a striking difference between the two cases: the inhabitants of Delhi and Lahore speak the same language, while the inhabitants of Cuttack do not speak the same language as the inhabitants of Patna.

**EXTENSION OF THE LEE COMMISSION CONCESSIONS TO EUROPEAN OFFICERS
OF THE PROVINCIAL SERVICES.**

143. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the reply of the Under-Secretary for India in the House of Commons "that Lord Birkenhead hoped soon to receive the recommendations of the Government of India with regard to extension to non-Asiatic domiciled officers of the Provincial Services of the privileges accorded to the members of the All-India Services in accordance with the recommendations of the Lee Commission" as published in the issue of the *Forward* of 26th November 1925, page 8, will Government please state:

- (a) if they have sent the recommendations referred to?
- (b) if not, when they are expected to send them?
- (c) if they have, are they prepared to lay a copy of their recommendation on the table?

The Honourable Sir Alexander Muddiman: The Honourable Member is referred to the reply given by me to Mr Gaya Prasad Singh's question No. 88, which was answered on the 21st January.

**INDEBTEDNESS OF THE ARMY CANTEN BOARD TO THE GOVERNMENT OF
INDIA.**

144. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the reply of Earl Winterton in the House of Commons "The Government of India had guaranteed overdraft to the limit of forty-five lakhs of rupees" "Lord Birkenhead was awaiting the results of the Government of India's thorough examination of the whole question," published in the issue of the *Forward* of 26th November, 1925, page 3, under the heading "*Canteen Board, question of indebtedness to Government,*" will Government please state:

- (a) if they have guaranteed overdraft to the limit of forty-five lakhs of rupees as stated?
- (b) if they have forwarded the results of their examination to the Secretary of State?
- (c) if not, by what time they are expected to complete their examination?
- (d) whether they will lay on the table a copy of their report on the subject, if they have submitted it to the Secretary of State?

Mr. E. Burdon: (a) Yes.

(b) No.

(c) Very shortly.

(d) Does not arise.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

145. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to the second supplementary question to starred question No. 81 asked in the meeting of the Legislative Assembly held on 26th August, 1925, regarding the separation of judicial and executive functions, will Government please state if they have arrived at a decision?

The Honourable Sir Alexander Muddiman: I have nothing to add to the information that I gave when I answered this question before.

GRIEVANCES OF INDIANS IN TANGANYIKA.

146. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to the starred question No. 95 relating to the Resolution regarding the grievances of Indians in Tanganyika, asked in the meeting of the Legislative Assembly held on 26th August, 1925, will Government please state if they have considered the matter?

(b) If they have, will they please communicate their decision to the House?

Mr. J. W. Bhore: (a) and (b) No information has yet been received by the Government of India regarding the report of the Committee appointed by the Governor of Tanganyika to investigate the question of trade licenses. They anticipate that information on this subject will be communicated to them by the Secretary of State as soon as the report is available.

Mr. R. K. Shanmukham Ochetty: Are Government aware, Sir, that in the usual course of things the Trade Licensing Ordinance will take effect from the 1st April, 1926?

Mr. J. W. Bhore: I think that that is so, Sir.

Mr. R. K. Shanmukham Ochetty: Have Government assured themselves that the Ordinance will not be put into force before any settlement is arrived at between the Government of India and the Tanganyika administration?

Mr. J. W. Bhore: I think that the Honourable Member knows the position as it stands at present. He knows that the question has been referred to a committee and I cannot believe that the Ordinance will be put in force when the whole matter has been referred to a committee for consideration and before receipt of its report.

Mr. A. Rangaswami Iyengar: Will the Government try and communicate with the Colonial Office again and see that no action is taken before that?

Mr. J. W. Bhore: The Honourable Member may rest assured that we shall do all we can to see that the authorities in London do not overlook this matter. I can give him this assurance that we have repeatedly from time to time brought the matter to their notice.

INDIAN DEPUTATION TO SOUTH AFRICA.

147. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the deputation which has sailed to South Africa, will the Government be pleased to state:

(a) the estimated cost of the deputation?

(b) the time by which it is expected to return to India?

Mr. J. W. Bhore: (a) Rupees 75,000.

(b) The date is still uncertain. Probably in March next.

REFUSAL OF PASSAGE ADVANCES TO INDIAN OFFICERS OF THE IMPERIAL SERVICES.

148. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question No. 99 (a) asked in the meeting of the Legislative Assembly held on 26th August, 1925, regarding the refusal of passage advances to Indian officers in the Imperial Services, will Government please give reasons why passage advances are given only to Government servants of non-Asiatic domicile?

The Honourable Sir Alexander Muddiman: The Honourable Member is referred to the answer given by Sir Malcolm Hailey in the Legislative Assembly on the 5th February, 1923, to part (a) of Colonel Gidney's question, No. 318.

REFUSAL OF PASSAGE ADVANCES TO INDIAN OFFICERS OF THE IMPERIAL SERVICES.

149. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to supplementary question to starred question No. 99 regarding the refusal of passage advances to Indian officers in the Imperial Services, asked in the meeting of the Legislative Assembly held on 26th August, 1925, will Government please state if it is a fact that the Indian members of the Indian Civil Service receive these privileges of passages whereas the Indian members of the other Imperial Services are denied them?

The Honourable Sir Alexander Muddiman: Yes.

EXPENDITURE ON AGRICULTURAL DEVELOPMENTS.

150. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to the first supplementary question to starred question No. 120 regarding the Sugar Research Institute asked in the meeting of the Legislative Assembly held on 26th August, 1925, will Government please state if they have spent the money on other agricultural developments than on the one referred to in the supplementary question?

(b) If they have, will they please name the agricultural interests on which the money has been spent and the amount spent?

Mr. J. W. Bhore: (a) and (b). Yes. In the Budget for the current financial year provision has been made for expenditure on the following schemes among others:

	•Rs.
1. Expansion of the Sugarcane Breeding Station, Coimbatore	1,08,000
2. Expansion of the Imperial Institute of Animal Husbandry and Dairying at Bangalore	16,800
3. Expansion of the work of certain sections of the Imperial Agricultural Research Institute at Pusa	30,300
4. Transfer to the Imperial Department of Agriculture of the Military Creamery at Anand in Gujarat	1,27,000

REPORT OF THE INDIAN AUXILIARY AND TERRITORIAL FORCES COMMITTEE.

151. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question No. 124 regarding the Report of the Territorial Committee asked in the meeting of the Legislative Assembly held on 26th August, 1925, will Government please state:

(a) if they have now received the final replies from all the Local Governments consulted on the subject?

(b) whether they have now arrived at any definite opinion of their own in regard to the Committee's proposals?

Mr. E. Burdon: (a) and (b). The attention of the Honourable Member is invited to the reply which I gave to his starred question No. 29, on the 21st of January.

DAILY WAGES OF INDIAN LABOURERS IN FIJI.

152. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to the last supplementary question to starred question No. 129 regarding the daily wages of Indian labourers in Ceylon, the Malay States and Fiji, asked in the meeting of the Legislative Assembly held on 26th August, 1925, will Government please state:

(a) if they have asked for the information as indicated in their reply?

(b) whether they will furnish it to the House if they have been able to obtain it?

Mr. J. W. Shore: (a) and (b) Out of a total number of about 1,60,000 Indians of the labouring classes, the majority are now peasant settlers who cultivate their own holdings. About 4,000 are employed on sugar cultivation. According to information received from the Colonial Government those employed by the Colonial Sugar Refining Company in Fiji receive 1s. 8d. per task averaging 6 hours *plus* bonus at the rate of 6d. per week of 5½ days. They are housed and allowed the privilege of purchasing foodstuffs at landed cost. The latter privilege which is based on a statutory ration, is worth 1s. 6d. to 1s. 9d. per week. The labourers employed by the Company in mills which crush sugar for an average of 6 months in the year, receive at the end of the crush a bonus of £4 5s. to £4 10s. according to the locality of the mill. About 1,000 Indian labourers are employed on copra estates where they receive from 2s. 6d. to 3s. per day and are also housed.

SPECIAL REPRESENTATION OF INDIAN LABOURERS IN THE CEYLON LEGISLATURE.

153. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to the second supplementary question to starred question No. 141 regarding the representation of Indians in the Ceylon Legislature asked in the meeting of the Legislative Assembly held on 27th August, 1925, will Government please state if they propose to make an inquiry whether there is any special representation of Indian labourers in the Ceylon Legislature?

Mr. J. W. Shore: It has been ascertained that both the Indian members of the Ceylon Legislative Council represent the entire body of non-domiciled Indians in Ceylon including Indian labourers and not any particular section of the community.

RAILWAY CONNECTION BETWEEN MUZAFFARPUR AND SITAMARHEE.

154. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the statement laid on the table in reply to starred question No. 151(a) asked in the meeting of the Legislative Assembly held on 27th August, 1925, will Government please state if they propose to consider the desirability of asking the railway authorities to place the line from Muzaffarpur to Sitamarhee in the list of projects likely to be taken up in the near future?

Mr. G. G. Sim: The line is already included in the programme of new lines likely to be considered for construction in the near future in Bihar and Orissa.

Khan Bahadur Sarfaraz Hussain Khan: May I know what "near future" means?

Mr. G. G. Sim: I mean exactly what the Honourable Member means when he uses these words in his question. I presume he knows himself that on each railway line system a complete list is prepared of all projects that are worth considering; and when that list is complete the railway authorities then appoint a staff sufficient to arrange for the survey and the carrying out of the construction. It is impossible for me to say when the line will be constructed because the survey has not been completed.

Mr. Gaya Prasad Singh: Are Government aware that the want of railway connection between Muzaffarpur and Sitamarhee is a matter of great public inconvenience since Muzaffarpur is the district headquarters of the Sitamarhee sub-division?

Mr. G. G. Sim: Sir, I have no doubt whatever that I may take the Honourable Member's word for it that Muzaffarpur is the headquarters of the sub-division; but that has little to do with the question as to whether the construction of this particular line is more urgent than the construction of other lines on this particular system.

CONSERVANCY ARRANGEMENTS IN THE SABATHU CANTONMENT.

155. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to starred question No. 156 regarding conservancy arrangements in the Subathu Cantonment, asked in the meeting of the Legislative Assembly held on 27th August, 1925, will Government be pleased to state if the inquiries as indicated in their reply have been completed?

(b) If completed, will they please communicate the result to the House?

Mr. E. Burdon: (a) Yes, Sir.

(b) A copy of my letter dated 15th December, 1925, to Lala Duni Chand, M.L.A., is laid on the table.

D. O. No. 496-S.

Army Department.

Delhi, the 15th December 1925.

DEAR LALA DUNI CHAND,

With reference to the reply given by me in the Legislative Assembly on the 27th August 1925 to your starred question No. 156, I forward herewith a statement showing the information desired by you in regard to the house scavenging services in the Sabathu Cantonment. I also forward herewith a copy of Army Department letter No. 30513/3 (A. D.), dated the 11th December 1925, from which it will be seen that instructions have been issued for the provision of a suitable number of public rubbish bins within the limits of the cantonment.

Yours sincerely,
(Sd.) E. BURDON.

To

Lala Duni Chand, M.L.A.,
Ambala.

(a) Yes.

(b) The facts are generally as stated by the Honourable Member. The difference in arrangements for bungalows and bazar houses is due to the fact that bazar houses have practically no compounds and that latrines in these houses are mostly situated inside. In practically all cantonments similar arrangements exist for the removal of filth from private latrines in bazars. Moreover, the number of bazar houses having latrines is small, the bulk of the population using the cantonment public latrines.

(c) The sanitary condition of the bazar has generally been reported upon as satisfactory by the medical authorities and no complaints have so far been received of any public inconvenience such as the Hon'ble Member has indicated, except in one case which was dealt with under Section 135, Cantonments Act, 1924.

(d) As the cantonment authority is rendering house scavenging services for the bazar suitable to the circumstances the tax is correctly levied. The rate of the tax recovered on bazar houses is less than that on bungalows.

(e) There has been one prosecution only for insanitary premises during the past 15 months, and the matter was dealt with under the rule quoted in part (c) above.

Cantonments-Taxation.

No. 30513/3 (A. D.)

GOVERNMENT OF INDIA.

ARMY DEPARTMENT.

Simla, the 11th December 1925.

To

The General Officer Commanding-in-Chief,
Northern Command.

SUBJECT :—*House Scavenging Tax in the Sabathu Cantonment.*

SIR,

I am directed to refer to the correspondence ending with your letter No. 26801/Q-4, dated the 19th August 1925, on the above subject and to say that it would appear from the report submitted by the Executive Officer, Sabathu, that no receptacle for rubbish is provided in that cantonment by the cantonment authority. I am accordingly to invite attention to section 132 of the Cantonments Act, 1924, and to suggest that instructions may be issued to the cantonment authority for the provision of a suitable number of public rubbish bins in the cantonment. I am also to request that the Deputy Inspecting Officer, Military Lands and Cantonments, may be instructed to satisfy himself, at his annual inspection of the Sabathu cantonment, that necessary action in this respect has been taken.

I am, Sir,

Your most obedient servant,

(Sd.) F. G. MOORE,

*Lieut.-Colonel,**Asst. Secy. to the Govt. of India.*

**TRANSFER BY THE EASTERN BENGAL RAILWAY OF THEIR TRAFFIC CENTRE
FROM GOALUNDO TO KHULNA.**

156. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 165 asked in the meeting of the Legislative Assembly held on 27th August, 1925, will Government please state if detailed recommendations have been put forward?

(b) If so, will they please state what those recommendations are?

Mr. G. G. Sim: (a) No, not yet.

(b) Does not arise.

**REPORT OF THE INDIAN AUXILIARY AND TERRITORIAL FORCES
COMMITTEE.**

157. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 168 (b) asked in the meeting of the Legislative Assembly held on 27th August, 1925, will Government please state if they have arrived at a decision with regard to the Report of the Indian Auxiliary and Territorial Forces Committee that was under their consideration, as indicated in their reply?

(b) If they have, do they propose to consult this House before giving effect to their conclusions?

Mr. E. Burdon: (a) The attention of the Honourable Member is invited to the reply which I gave to his starred question No. 29, on the 21st January, 1926.

(b) Does not arise.

**APPOINTMENT OF A ROYAL COMMISSION TO INVESTIGATE INTO THE WORK-
ING OF THE MONTAGU-CHEILMSFORD REFORMS.**

158. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph under the heading "Royal Commission" published in the issue of the *Forward* of the 2nd December, 1925, page 4?

(b) If so, will they please state if the statement "His Majesty's Government have decided on the sending of a Royal Commission to India to investigate into the working of the Montagu-Chelmsford Reforms and to report on changes considered necessary," made therein is correct?

The Honourable Sir Alexander Muddiman: (a) Government have seen the statement referred to.

(b) As far as they are aware it is not correct

THE CURRENCY COMMISSION.

159. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph under the heading "Currency Commission" published in the issue of the *Forward* of the 2nd December, 1925, page 5?

(b) If so, will they please state whether the statement made therein is correct?

The Honourable Sir Basil Blackett: The answer to both parts of the question is in the affirmative

**EXPENDITURE ON EACH OF THE ALL-INDIA SERVICES CONSEQUENT ON THE
RECOMMENDATIONS OF THE LEE COMMISSION.**

160. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 184 (2) regarding the recommendations of the Lee Commission, asked in the meeting of the Legislative Assembly held on 25th August, 1925, will Government please state if the information has been collected?

(b) If so, will they please furnish it to the House?

The Honourable Sir Alexander Muddiman: The Honourable Member is referred to the statement laid on the table in reply to his own question No. 96.

**EQUALISATION OF THE TRAVELLING AND HALTING ALLOWANCES OF THE
MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.**

161. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 200(c) asked in the meeting of the Legislative Assembly held on 27th August, 1925, regarding the equalisation of the travelling and halting allowances of Members of the Council of State and the Legislative Assembly, will Government please state if they have considered the matter?

(b) If they have, will they please communicate the result to the House?

Mr. L. Graham: (a) Yes.

(b) Government have decided to await the result of a Resolution, notice of which has been given by a non-official Member in the Council of State

**RESERVATION OF FIRST CLASS COMPARTMENTS BY MEMBERS OF THE
COUNCIL OF STATE.**

162. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to the first supplementary question on starred question No. 200 asked in the meeting of the Legislative Assembly held on 27th August, 1925, will Government please state how many Honourable Members of the first Council of State availed themselves of the option of reserving a first class compartment?

Mr. L. Graham: The compilation of statistics for the whole period of existence of the dissolved Council of State would involve, it is considered, an amount of labour disproportionate to the value of the result. The figures for the last Delhi and Simla Sessions which may be taken as approximately typical were as follows: Delhi; up-journey 18, return journey 16; Simla; up-journey 12, return journey 14.

WAGES OF MILL HANDS IN BOMBAY.

163. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph under the heading "Bombay Mills Situation. Wage Cut Restored" published in the issue of the *Forward* of the 2nd December, 1925, page 5?

(b) If so, will they please state if the statement made therein is correct?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The Government of India have no reason to doubt the accuracy of the statement.

THE IMPERIAL CADET CORPS.

164. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question No. 982(a) asked in the meeting of the Legislative Assembly held on 16th September, 1925, regarding the Imperial Cadet Corps, will Government please state the reasons for their forming the Imperial Cadet Corps in 1901 and the reasons why it ceased to exist in 1915?

Sir Denys Bray: The Imperial Cadet Corps was organized with the main object of providing a military training for selected members of the Indian aristocracy. It was closed in 1915 owing to the departure of the Commandant on active service and the difficulty in providing any other officer to take his place. That the Corps was not restarted after the war was largely due to the adoption of a more comprehensive scheme for enabling Indians to qualify for the King's commission, and it is in the buildings formerly occupied by the Corps that the Prince of Wales' Royal Military College has been established.

Mr. Gaya Prasad Singh: Why was the expenditure incurred out of the Indian revenues with regard to the Imperial Cadet Corps which, I understand, was meant only for Indian States.

Sir Denys Bray: The Honourable Member's understanding is not correct. As I said, it is open to the Indian aristocracy, who, I am glad to say, are not confined to Indian States.

EXPENDITURE ON THE IMPERIAL CADET CORPS.

165. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question No. 982(b) asked in the meeting of the Legislative Assembly held on 16th September, 1925, will Government please furnish the information to the House if collected?

Sir Denys Bray: The total expenditure from Indian revenues on the Imperial Cadet Corps from the date of its inception was Rs. 11,41,264.

EXPENDITURE ON THE ARMY IN INDIA.

166. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state whether it was resolved in the Brussels' Conference that a nation that spends more than 20 per cent. of its gross revenue upon its Army is riding for a fall?

(b) What ratio of the non-commercial revenue of the Central Government is annually spent upon the upkeep of its Army?

The Honourable Sir Basil Blackett: (a) As there seems to be considerable absence of clearness about the references frequently made to the Brussels Conference, I lay on the table a copy of those resolutions of that Conference which dealt with public finance. The Honourable Member will find that his version is not supported by the text.

(b) The comparison made at the Brussels Conference was between the average expenditure upon armaments of various nations with their total national expenditure. In the case of India, it would, of course, include expenditure of the Provincial Governments. For the year 1924-25 the total national expenditure of India, including that of the Provincial Governments

but excluding the working expenses of the Railways, and of the Posts and Telegraphs and Irrigation Departments, was approximately Rs. 208·62 crores. The military expenditure was approximately Rs. 55·69 crores, which amounts to 27 per cent. of the former figure.

INTERNATIONAL FINANCIAL CONFERENCE, BRUSSELS (1920).

RESOLUTIONS.

1.—*Resolutions proposed by the Commission on Public Finance and adopted unanimously by the Conference.*

I.

Thirty-nine nations have in turn placed before the International Financial Conference a statement of their financial position. The examination of these statements brings out the extreme gravity of the general situation of public finances throughout the world, and particularly in Europe. Their import may be summed up in the statement that three out of every four of the countries represented at this Conference, and eleven out of twelve of the European countries, anticipate a Budget deficit in the present year. Public opinion is largely responsible for this situation. The close connection between these Budget deficits and the cost of living, which is causing such suffering and unrest throughout the world, is far from being grasped. Nearly every Government is being pressed to incur fresh expenditure; largely on palliatives which aggravate the very evils against which they are directed. The first step is to bring public opinion in every country to realise the essential facts of the situation and particularly the need for re-establishing public finances on a sound basis as a preliminary to the execution of those social reforms which the world demands.

II.

Public attention should be especially drawn to the fact that the reduction of prices and the restoration of prosperity is dependent on the increase of production, and that the continual excess of Government expenditure over revenue represented by Budget deficits is one of the most serious obstacles to such increase of production as it must sooner or later involve the following consequences :

- (a) Further inflation of credit and currency.
- (b) A further depreciation in the purchasing power of the domestic currency, and a still greater instability of the foreign exchanges.
- (c) A further rise in prices and in the cost of living.

The country which accepts the policy of Budget deficits is treading the slippery path which leads to general ruin; to escape from that path no sacrifice is too great.

III.

It is therefore imperative that every Government should, as the first social and financial reform, on which all others depend :

- (a) Restrict its ordinary recurrent expenditure, including the service of the debt to such an amount as can be covered by its ordinary revenue.
- (b) Rigidly reducing all expenditure on armaments in so far as such reduction is compatible with the preservation of national security.
- (c) Abandon all unproductive extraordinary expenditure.
- (d) Restrict even productive extraordinary expenditure to the lowest possible amount.

IV.

The Supreme Council of the Allied Powers in its pronouncement on March 8th declared that " Armies should everywhere be reduced to a peace footing, that armaments should be limited to the lowest possible figure compatible with national security and that the League of Nations should be invited to consider, as soon as possible, proposals to this end ". The statements presented to the Conference show that, on an average, some 20 per cent. of the national expenditure is still being devoted to the maintenance of armaments and the preparations for war. The Conference desires to affirm with the

utmost emphasis that the world cannot afford this expenditure. Only by a frank policy of mutual co-operation can the nations hope to regain their old prosperity; and in order to secure that result the whole resources of each country must be devoted to strictly productive purposes.

The Conference accordingly recommends most earnestly to the Council of the League of Nations the desirability of conferring at once with the several Governments concerned, with a view to securing a general and agreed reduction of the crushing burden which, on their existing scale, armaments still impose on the impoverished peoples of the world, sapping their resources and imperilling their recovery from the ravages of war. The Conference hopes that the Assembly of the League which is about to meet will take energetic action to this end.

V.

While recognising the practical difficulties in the way of immediate action in all cases, the Conference considers that every Government should abandon at the earliest practicable date all uneconomical and artificial measures which conceal from the people the true economic situation; such measures include:

- (a) The artificial cheapening of bread and other foodstuffs, and of coal and other materials by selling them below cost price to the public, and the provision of unemployment doles of such a character as to demoralise instead of encouraging industry.
- (b) The maintenance of railway fares, postal rates and charges for other government services on a basis which is insufficient to cover the cost of the services given, including annual charges on capital account.

VI.

In so far as, after every effort has been made, it is impossible to cut down expenditure within the limits of existing revenues, fresh taxation must be imposed to meet the deficit and this process must be ruthlessly continued until the revenue is at least sufficient to meet the full amount of the recurrent ordinary expenditure. The Conference considers that the relative advantages of the various possible means of increasing the national revenue, whether by direct or indirect taxation or by a capital levy (to be devoted to the repayment of debt), depend upon the special economic conditions obtaining in each country, and that in consequence each country must decide for itself on the methods which are best suited to its own internal economy.

VII.

If the above principles are accepted and applied, loans will not be required for recurrent ordinary expenditure; borrowing for that purpose must cease. In a number of countries, however, although the ordinary charges can be met from revenue, heavy extraordinary expenditure must at the present time be undertaken on capital account. This applies more especially in the case of those countries devastated during the war, whose reconstruction charges cannot possibly be met from ordinary receipts. The restoration of the devastated areas is of capital importance for the re-establishment of normal economic conditions; and loans for this purpose are not only unavoidable but justifiable. But in view of the shortage of capital it will be difficult to secure the sums required even for this purpose, and only the most urgent schemes should be pressed forward immediately.

VIII.

The means by which loans are raised are no less important than the purposes for which they are destined. In future the loans which are required for urgent capital purposes must be met out of the real savings of the people. But those savings have, as it were, been pledged for many years ahead by the credits created during the war, and the first step to raising fresh money must be to fund the undigested floating obligations with which the markets are burdened. These principles apply both to internal and to external borrowing, and in regard to the latter we suggest that it would be in the general interest for the creditor countries to give such facilities as may be possible to the debtor countries to fund their floating obligations at the earliest possible date.

IX.

In order to enlist public interest, it is essential to give the greatest publicity possible to the situation of the public finances of each State.

The Conference is, therefore, of the opinion that the work already accomplished by the Secretariat in its comparative study of public finances should be continued, and it suggests that the Council of the League of Nations should request all its Members and all the nations represented at this Conference to furnish it regularly not only with Budget estimates and final Budget figures, but also with a half-yearly account of actual receipts and expenditure. At the same time, countries should be urged to supply as complete information as is possible on the existing system of taxation, and any suggestions which may appear to each State to be useful for the financial education of the public opinion of the world.

With the aid of the information thus obtained, the League of Nations would be enabled to prepare pamphlets for periodical publication setting out the comparative financial position of the countries of the world, and making clear the various systems of taxation in force.

X

The Conference is of opinion that the strict application of the principles outlined above is the necessary condition for the re-establishment of public finances on a sound basis. A country which does not contrive as soon as possible to attain the execution of these principles is doomed beyond hope of recovery. To enable Governments, however, to give effect to these principles all classes of the community must contribute their share. Industry must be so organised as to encourage the maximum production on the part of capital and labour, as by such production alone will labour be able to obtain those improved conditions of life which it is the aim of every country to secure for its people. All classes of the population, and particularly the wealthy, must be prepared willingly to accept the charges necessary to remedy the present situation. Above all, to fill up the gap between the supply of and the demand for commodities, it is the duty of every patriotic citizen to practise the strictest possible economy and so to contribute his maximum effort to the common weal. Such private action is the indispensable basis for the fiscal measures required to restore public finances.

Mr. N. M. Joshi: Is the Honourable Member aware that this 27 per cent. is more than the ratio fixed by the Brussels Conference?

The Honourable Sir Basil Blackett: I would suggest to the Honourable Member that he should read the Resolutions of the Brussels Conference and see whether that is so.

Mr. A. Rangaswami Iyengar: May I know, Sir, if, when arriving at this percentage, the expenses of the Local Government are added, then why should we not add the expenses of the municipal Government or town Government?

The Honourable Sir Basil Blackett: I should like to ask the Honourable Member why he thinks they should not.

Mr. A. Rangaswami Iyengar: For the simple reason that the military force or the army administration does not belong to the Provincial Governments at all.

The Honourable Sir Basil Blackett: I do not think, Sir, if I may answer his original question, that that is a sufficient answer.

EXPENDITURE ON THE ARMY FROM 1910 TO 1925.

167. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to lay on the table a comparative statement showing the annual revenue and expenditure from 1910 to 1925 on the Army, including Frontier Military Police and Militia, cost of strategic railways, roads and buildings, and all expenditure incurred in the upkeep of military hill stations, *e.g.*, Murree, Dalhousie, Lansdowne and Chakrata and all other expenditure incurred primarily in support of the Army?

(b) If the answer takes account of the Provincial revenues, will the Government be pleased to state the contribution which they receive from the Provincial revenues towards their military charges?

The Honourable Sir Basil Blackett: (a) I would invite the attention of the Honourable Member to the reply given by me to a similar question put by him on the 3rd July, 1923 (*vide* page 4127 of the Assembly Debates, Volume III). Since then the net military expenditure has dropped from 65.27 crores in 1922-23 to 56.23 crores in 1923-24 and 55.63 crores in 1924-25. I am not able to give information not contained in the Finance and Revenue Accounts.

(b) The Government of India do not receive from Provincial revenues any contributions earmarked to meet military charges.

RECOMMENDATIONS OF THE INDIAN TERRITORIAL FORCES COMMITTEE.

168. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state whether they have come to any decision on the recommendations of the Indian Territorial Forces Committee?

(b) Has the maximum strength of 20,000 fixed for the Indian Territorials been removed?

(c) If so, will the Government be pleased to publish the orders making the same widely known?

(d) If not, will the Government account for the delay in view of the fact that the Committee published their report as far back as the 23rd January, 1925?

Mr. E. Burdon: (a) The attention of the Honourable Member is invited to the reply which I gave to Khan Bahadur Sarfaraz Hussain Khan's question No. 29 on the 21st January.

(b) No.

(c) Does not arise.

(d) In view of the importance of the subject, Government do not consider that an unduly long time has been spent in examining the recommendations of the Committee either by the Local Governments or by themselves.

DIVISIONAL ACCOUNTANTS.

169. ***Mr. Chaman Lall:** (a) Will the Government please state if there was any distinction made between divisional accountants *with* substantive appointments and divisional accountants *without* substantive appointments in respect of their pay and allowances and duties prior to 1st April, 1922?

(b) Was promotion to the permanent cadre of divisional accountants prior to 1st April, 1922, made from the temporary accountants *with* and *without* substantive appointments in order of their seniority which was fixed according to the date of their appointments as temporary accountants?

(c) If the answer is that there was no distinction made prior to 31st March, 1922, will Government please state if a distinction has been made since, and if so, why?

(d) Are Government prepared to redress the case of the class so affected?

The Honourable Sir Basil Blackett: Inquiry is being made. , ,

DIVISIONAL ACCOUNTANTS OF THE MILITARY WORKS SERVICES.

170. ***Mr. Chaman Lal:** (a) With reference to the answer given in the Legislative Assembly to unstarred question No. 160 (b) on the 14th September, 1925, will Government please place on the table a copy of the letter in which the divisional accountants of the Military Works Services amalgamated into the Military Accounts Department were informed of the decision that they were required to pass the Subordinate Accounts Service Examination of the Military Accounts Department in addition to the qualifications already possessed by them before they could be designated as accountants?

(b) Will the Government please state how many chances of passing the examination occurred after the circulation of this letter to them?

(c) Will Government please state whether they are prepared to promote the divisional accountants of the Military Works Services who have qualified themselves in the Subordinate Accounts Service of the Military Accounts Department irrespective of the consideration of the dates of passing the examination?

The Honourable Sir Basil Blackett: (a) A copy of paragraph 6 of Finance Department letter No. 224-Accounts, dated 7th March, 1922, which deals with the point referred to by the Honourable Member is placed on the table.

(b) 3 ordinary (and 1 special) examinations.

(c) The answer is in the negative.

Copy of paragraph 6 of Finance Department letter No. 224-Accounts, dated the 7th March, 1922.

6. In the grade of accountants also, thirty appointments will, for the present, be earmarked for Military Works Accounts, viz. :

Peshawar	3
Kohat	1
Rawalpindi	3
Lahore	3
Waziristan	3
Baluchistan ...	3
Sind-Rajputana	1
United Provinces	4
Allahabad ...	1
Central Provinces	2
Bombay ...	1
Poona ...	3
Madras ...	1
Presidency ...	1
	<hr/> 30

If these accountants have passed the test for promotion to the old second grade of Public Works Accountants or the Subordinate Accounts Service examination, they will be treated for the purposes of pay and allowances, as accountants in the Military Accounts Department in the roster for whom they will be assigned a definite position in accordance with orders which will issue separately, and their initial pay on that roster will be fixed subject to the prescribed maximum and minimum and efficiency bars, at the stage next above the pay and allowances which they were in receipt of on 1st April, 1922. Two places out of the 30 (viz., 1 at Poona and 1 at Meerut) should be earmarked for two Public Works Accountants (Messrs. C. S. N. Murti and J. G. Mustafi) who have passed the test for promotion to the old second grade

and are now employed in the office of the Controller of War Accounts, and who will be set free as soon as the pressure of work in that office subsides. Their initial pay on the roster will be fixed at Rs. 410 and Rs. 390 respectively, from 1st April, 1922. If 28 Military Works Accountants who have passed the test for promotion to the old second grade of Public Works Accountants are not available for the remaining appointment, the deficiency will be made good by the appointment, as probationary accountants, of selected Military Works Accountants who have not yet passed the tests referred to above and whose confirmation in the roster of Accountants of the Military Accounts Department will depend on their passing those tests by the end of 1925. Other accountants and clerks now employed in connection with Military Works Accounts will be brought on the roster of clerks in the Military Accounts Department in appropriate position, and their initial pay fixed in the same way as for accountants. If, however, in any case the pay and allowances excluding temporary war allowances admissible under existing orders to an accountant or a clerk holding a permanent or a temporary appointment in the old organisation of Military Works Accounts are more than those admissible to him under the arrangement described above, or if the individual prefers to retain his existing rate of pay and allowance, he will be entitled to continue to receive the pay and allowances admissible under such existing orders.

PAY OF DIVISIONAL ACCOUNTANTS.

171. ***Mr. Chaman Lal:** (a) Will Government please state whether the present Subordinate Accounts Service Examination of the Military Accounts Department is considered equivalent to the old second grade examination of the Public Works Department?

(b) If the answer to the above is in the affirmative, will Government please state what pay a divisional accountant got who had passed the 2nd grade examination on his appointment as senior accountant previous to amalgamation and what pay a divisional accountant who has now passed the Subordinate Accounts Service Examination is to get when absorbed as an accountant in the Military Accounts Department?

(c) Will Government please state whether the divisional accountants after passing the Subordinate Accounts Service Examination will be allowed to start on the pay equivalent to the minimum pay granted to the II grade accountants of the late Military Works Services which they would have received on passing had they not been amalgamated with the Military Accounts Department? If not, why not?

The Honourable Sir Basil Blackett: (a) The answer is in the affirmative.

(b) (i). Rs. 270 in the grade of Rs. 270—20—450

(ii). Rs. 210, or pay at the stage next above their pay on the date of their promotion to the accountant's grade, whichever is greater.

(c) No. They were neither members of the Subordinate Accounts Service of the Civil Accounts Department nor qualified for admission to that service on the date of their transfer to the Military Accounts Department. They must therefore come under the rules governing pay and other conditions pertaining to the Subordinate Accounts Service of the Military Accounts Department from the date of their transfer to that Department.

FILLING UP OF VACANCIES OF ACCOUNTANTS IN THE MILITARY WORKS ACCOUNTS.

172. ***Mr. Chaman Lal:** (a) With reference to the answer to unstarred question No. 162, given in the Legislative Assembly on the 14th September, 1925, will the Government please state whether qualified men with Military Works Accounts experience are now available amongst the divisional accountant's class by the passing of the Subordinate Accounts Services Examination of the Military Accounts Department?

(b) If so, do Government intend to fill up the vacancies of the posts created exclusively for the Military Works Accounts caused by the reversion of those who failed to pass the Subordinate Accounts Services Examination or otherwise by such of the divisional accountants who have since qualified as accountants of the Military Accounts Department?

The Honourable Sir Basil Blackett: (a) The answer is in the affirmative.

(b) The answer is in the negative.

PAY OF DIVISIONAL ACCOUNTANTS POSTED TEMPORARILY TO MILITARY ENGINEERING OFFICES.

178. ***Mr. Chaman Lal:** (a) Is it a fact that Government had sanctioned consolidated rates of pay for the personnel attached to the newly formed districts of Military Works Services (since abolished) for the construction of roads in Waziristan beyond the external boundary of British India?

(b) Is it a fact that the sanction provided special rates of pay for Royal Engineer officers, Military Works subordinates, accountants, and clerks, etc., attached to these formations?

(c) Is it a fact that these special consolidated rates of pay were admitted in audit to Royal Engineer officers and all other personnel irrespective of their rank and pay drawn in British India with the exception of only divisional accountants?

(d) Is it a fact that by this distinction the divisional accountants attached to those formations were getting less pay than the clerks working immediately under them?

(e) If the answer is in the affirmative, will Government please state the circumstances under which the divisional accountants only were deprived of the special rates of pay granted to all other classes of establishment including officers, and are Government prepared to take steps to remove this apparent anomaly?

The Honourable Sir Basil Blackett: (a), (b) and (c). The answer is in the affirmative.

(d) Yes, in some cases.

(e) The divisional accountants in question are borne on the roster of the Military Accounts Department and have been posted temporarily to Military Engineering offices. The rates of pay admitted to them cannot be regulated with reference to the pay and allowances of clerks of Military Engineering offices who are borne on the roster of another Department. The Government are not prepared to make any change in the existing practice.

REPORT OF THE INDIAN TERRITORIAL FORCES COMMITTEE.

174. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state whether the final orders of the Government of India and the Secretary of State have been passed on the report of the Indian Territorial Forces Committee, and, if so, whether they propose to place such orders on the table?

Mr. E. Burdon: This question has already been answered.†

†Vide answer to question No. 29 on the 21st January, 1926.

175.*

DEPUTATION TO THE ANDAMANS.

176. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Forward* of 4th December, 1925, page 3, under the heading "Andaman Deputation"?

(b) If so, will they please state if the news is correct?

(c) If correct, will they please state the names of the persons forming the deputation?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) It is a fact that Government agreed to a small deputation visiting the Andaman Islands at Government expense with a view to seeing for themselves the conditions of the Mapilla villages in the Islands

(c) The deputation consisted of the following gentlemen:

Mahmood Schamnad Sahib Bahadur, M.L.A.

Syed Murtuza Sahib Bahadur, M.L.A.

Mir Abbas Ali Khan Bahadur, M.L.C.

Dr Mugaseth, a medical practitioner in Malabar

Mr. A. Rangaswami Iyengar: May I know if Government have since received the Report of the Committee?

The Honourable Sir Alexander Muddiman: No, Sir. I have received a communication from one of the members, but I have not yet received a report.

Mr. K. Ahmed: What was the object of sending that deputation after the Honourable the Home Member had himself visited the place?

The Honourable Sir Alexander Muddiman: The object is very obvious, that they should confirm the view that I took of the case.

Mr. K. Ahmed: Do I understand that the Honourable Member went there with a different object, and having been disappointed in it, he decided to send a deputation?

The Honourable Sir Alexander Muddiman: The Honourable Member is entirely wrong in his deductions and in his facts.

Mr. K. Ahmed: Is it not a fact, Sir, that the Honourable the Home Member went there for the purpose of making it an Anglo-Indian colony meant entirely for Anglo-Indians?

The Honourable Sir Alexander Muddiman: The Honourable Member is again wrong in his facts.

Mr. K. Ahmed: If that is not so, will the Honourable the Home Member enlighten the House with what object the deputation was sent? I maintain and say that the Honourable Member, having been disappointed he found

Mr. President: Order, order. The Honourable Member cannot make a speech. Will he put a question?

Mr. K. Ahmed: He found that the

Mr. President: Will the Honourable Member put a question?

Mr. K. Ahmed: Is it not a fact, Sir, that he found that it would be better for him to send a new deputation of some Madras people in the hope that, if the convicted Moplas were sent there they could cultivate the land for the white people, and that would serve his purpose?

The Honourable Sir Alexander Muddiman: None of these are facts.

Mr. K. Ahmed: What was the object of sending a deputation from Madras?

The Honourable Sir Alexander Muddiman: What was the object in what? Will the Honourable Member say what was the object in what?

Mr. K. Ahmed: Is the Honourable Member aware that the All-India Moslem League passed a resolution condemning the action of the Home Department of the Government of India?

The Honourable Sir Alexander Muddiman: No, I am not aware of that.

Mr. K. Ahmed: Is the Honourable Member aware that the All-India Moslem League condemned the action of the Government of India in attempting to get the Andamans colonised by the Moplas? Is it not so? Did they receive a copy of the resolution passed by the All-India Moslem League at Aligarh?

The Honourable Sir Alexander Muddiman: I did, Sir, I am reading it.

Mr. K. Ahmed: Did not the All-India Moslem League condemn the action of the Government and unanimously pass a resolution to that effect?

THE SOUTH AFRICAN AREAS RESERVATION AND IMMIGRATION AND REGISTRATION
(FURTHER PROVISION) BILL.

Diwan Bahadur M. Ramachandra Rao: Sir, I wish to ask a question, of which, with your permission, I gave private notice to the Honourable Member in charge of the Department:

(1) Will the Government be pleased to state whether it is true that the Areas Reservation and Immigration and Registration (Further Provision) Bill has been set down for consideration in the Union Parliament of South Africa for the 22nd January, 1926, and that if the Bill is not coming up for consideration on that date will the Government be pleased to state whether they have any information as to the probable date on which the Bill is likely to come up for consideration in the Union Parliament?

(2) Will the Government be pleased to state whether any representation has been made to the Union Government to postpone the consideration of the Bill till after the receipt of the report of the Paddison Deputation and to state the result, if any, of such representation?

(3) Have the Government perused Mr C F Andrews' cable, dated January 16th, and published in the *Hindustan Times* of 20th January? Will the Government be pleased to make a statement as to what prospects there are for the postponement of the Bill?

Mr. J. W. Bhore: It has been ascertained that the Areas Reservation and Immigration and Registration (Further Provision) Bill
12 Noon. will be re-introduced during the present session of the Union Parliament which commenced on the 22nd January. It is understood that the first reading will probably be taken within the first fortnight of the session.

2 The Government of India asked the Union Government to postpone further progress of the Bill until they are in a position to place their considered suggestions before the Union Government as a result of the

investigations of the Indian deputation to South Africa. The Union Government were unable to undertake to postpone legislation to an extent that might make it impossible for them to deal with the Asiatic question during the current session, but they have informed the Government of India that some time must necessarily elapse before the second reading stage is reached and hope that this will give the deputation as much time as they required for their investigation

B. Yes: the Honourable Member's attention is invited to the statement on the subject made by His Excellency the Viceroy in opening the Session of the Legislative Assembly on the 20th January, 1926.

Mr. M. A. Jinnah: May I know, Sir, whether the Indian deputation is expected to return between the first reading and the second reading of the Bill in the Union Parliament?

Mr. J. W. Bhore: To return to India?

Mr. M. A. Jinnah: Yes.

Mr. J. W. Bhore: Certainly not, Sir. They will make their representations to us by telegram.

Mr. M. A. Jinnah: Is it intended, Sir, that the Indian deputation should appear before the Select Committee, if the Bill is referred to a Select Committee by the Parliament of the South African Government?

Mr. J. W. Bhore: I would prefer not to reply to that question at this stage. The whole question is really in a state of flux. We want to get all the information we can from the deputation and then we hope we shall be in a position to make a considered statement to the Union Government before they take up the second reading of the Bill.

Mr. M. A. Jinnah: The point of my question is this. Is it contemplated that at any stage of this Bill before the Union Parliament the Indian deputation is expected to appear before the Select Committee?

Mr. J. W. Bhore: As I have already stated, Sir, the Select Committee stage has not yet been reached. We do not yet know whether a Select Committee will be appointed. When that question arises, then we shall take a decision on the point raised by my Honourable friend.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member if this deputation is expected to report on the principle of this Bill?

Mr. J. W. Bhore: The full objects of the deputation and the reasons why the deputation was sent have been already most clearly explained in the communiqués issued by the Department.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether, so far as the deputation has gone with credentials and instructions from the Government of India, it is within the terms of their duties to appear before the Select Committee if necessary and tender evidence?

Mr. J. W. Bhore: The Honourable Member is in a position to draw his own conclusions from the statements that we have made in the communiqués already issued in regard to the duties of this deputation. We have made a full statement.

Mr. A. Rangaswami Iyengar: Is it not possible for the Government to state categorically whether it is possible or it is not possible for this deputation to tender evidence in any circumstances that may arise?

Mr. J. W. Bhore: I do not understand what the Honourable gentleman means by saying "tender evidence."

Mr. A. Rangaswami Iyengar: May I explain, Sir? When the South African Union Parliament accepts the principle of the Bill and is dealing with the clauses it is possible that they will be prepared to hear evidence in regard to the provisions of the Bill so as to make any changes that the Indian Government or the South African settlers—which I do not trust they will—may want to introduce into the clauses of the Bill. I want to know whether the Government of India have contemplated the contingency of having to tender evidence or make some representations before the Select Committee at the stage of second reading in regard to the clauses of the Bill itself or whether they are content merely with objecting to the principle of the Bill or to its passage with those principles?

Pandit Madan Mohan Malaviya: We do not desire the deputation to appear before the Select Committee.

Mr. A. Rangaswami Iyengar: I am asking the Government whether they have it in contemplation.

Pandit Madan Mohan Malaviya: I hope, Sir, the Honourable Member will be able to say that the deputation shall not appear before the Select Committee of the South African Parliament.

Mr. A. Rangaswami Iyengar: That is exactly what I am saying.

Mr. J. W. Bhore: I have already answered this question more than once this morning. I again wish to say that the Select Committee stage has not yet been reached and we do not even know whether a Select Committee will be appointed.

Mr. M. A. Jinnah: Is the Honourable Member aware of the statement made by the South African Minister in which he says that a round table conference was refused by the Union Government on the ground of making a concession on the essential principles "but we welcome"—these are the words I want to bring to the notice of the Honourable Member—"but we welcome the Indian deputation as it would have an opportunity of giving evidence before the Select Committee on the anti-Asiatic Bill". I want the Honourable Member to tell the House whether, in view of this invitation which welcomes the Indian deputation to give evidence before the Select Committee, if ever one is appointed, the Government of India propose to instruct the deputation to appear before the Select Committee.

Mr. J. W. Bhore: The Honourable Member must realise that we cannot at this stage give him a definite and categorical reply to that question. We must shape our procedure in accordance with events as they shape themselves.

Mr. M. A. Jinnah: I again wish the attention of the Honourable Member to be drawn to this. If the Union Parliament adopt the principle of this Bill, will Government in that case allow the deputation to give evidence before the Select Committee?

Mr. J. W. Bhore: I have already informed the Honourable Member that I am not in a position to give him a definite statement on that point at the present moment.

Pandit Sham Lal Nehru: In case the South African Government decide to proceed with the Bill and pass it into law, what action do the Government of India propose to take in the matter?

Mr. President: That is a hypothetical question.

ELECTIONS OF THE COMMITTEE ON PUBLIC ACCOUNTS AND THE STANDING FINANCE COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member): Sir, I beg to move that this Assembly do proceed to elect eight members to be members of the Committee on Public Accounts.

This Committee will deal with the Appropriation Accounts of the year 1924-25.

The motion was adopted.

The Honourable Sir Basil Blackett: Sir, I beg to move that this Assembly do proceed to the election for the financial year 1926-27, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number to which shall be added a member of the Assembly to be nominated by the Governor General. The member so nominated shall be the Chairman of the Committee.

The motion was adopted.

Mr. President: With reference to the two decisions just come to by the Assembly, I may inform the House that for the purpose of the elections of these two Committees, namely, the Public Accounts Committee and the Standing Finance Committee, the Assembly office will be open to receive nominations up to 12 Noon on Friday, the 29th January. The elections will take place in this Chamber on Monday, the 1st February. The election of members to both Committees will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE LEGISLATIVE BODIES CORRUPT PRACTICES BILL.

APPOINTMENT OF SIR DARCY LINDSAY TO THE SELECT COMMITTEE.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I do not move the first motion* that stands in my name because I understand there will be a Chairman for the Committee. I therefore move with your permission the second motion that Sir Darcy Lindsay be appointed to the Select Committee on the Bill to provide for the punishment of corrupt practices by or relating to members of legislative bodies constituted under the Government of India Act. The sole object of this motion is to enable the Select Committee to have a Chairman.

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (SECOND AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, I move for leave to introduce a Bill to amend the law relating to the appointment of legal practitioners in civil suits and for this purpose further to amend the Code of Civil Procedure, 1908.

"*That Nawab Sir Sahibzada Abdul Qaiyum be appointed to the Select Committee on the Bill to consolidate and amend the law relating to the naturalisation in British India of aliens resident therein."

[Mr. H. Tonkinson.]

On Thursday last, the Honourable the Leader of the House introduced a Bill to deal with the constitution of Bar Councils. That Bill dealt with the majority of the recommendations of the Indian Bar Committee. The present Bill deals with a few distinct recommendations which are quite separable from the proposal to constitute Bar Councils. The recommendations themselves and the manner in which it has been proposed to deal with them are set out in the Statement of Objects and Reasons. Briefly, at the present time under rule 4 of Order III of the Code of Civil Procedure, any pleader appointed to make an appearance in Court, whether he is appointed to plead or act or to plead and act, must produce a duly executed authority to appear, that is, a *vakalatnama*. If, however, the pleader is an advocate of a High Court established under the Indian High Courts Act, 1861, that is, now established under the Government of India Act, or if he is an advocate of a Chief Court who is a Barrister-at-law, then he is not required to produce any document empowering him to act. The Bill refers to pleaders only. Now a "pleader" is defined in section 2 of the Code of Civil Procedure as meaning any person entitled to appear and plead for any other person in Court and includes an advocate, a *vakil* and an attorney of the High Court; that is to say, therefore, the Bill deals with all classes of legal practitioners appearing in civil proceedings. The Bill makes no distinction based on the class of the legal practitioner concerned. It makes a distinction according to the intention with which a pleader has been appointed to appear. If the pleader is appointed to act it is required that he shall produce a *vakalatnama*. If he is appointed to plead only, it is required that he shall produce a memorandum of appearance. The distinction is logical. In the case of a pleader appointed to act, it is clear that he should be authorised by his client, and in the case of a pleader appointed to plead all that is necessary is to have for the convenience of the Court some indication on the record of the legal practitioners appearing in the case. I do not think it is necessary, Sir, at this stage to go into any other points dealt with in the Bill. Sir, I move.

The motion was adopted.

Mr. H. Tonkinson: Sir, I introduce the Bill.

THE LEGAL PRACTITIONERS (FEES) BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to move for leave to introduce a Bill to define in certain cases the rights of legal practitioners to sue for their fees and their liabilities to be sued in respect of negligence in the discharge of their professional duties.

This Bill is also a by-product of the Indian Bar Committee's Report. The Indian Bar Committee in paragraph 42 of their Report made the recommendation to which the Bill gives effect. Before framing the Bill we consulted Local Governments and other authorities and their opinion is generally in favour of the principle of the Bill which is a very simple one. It imposes on the legal practitioner a liability and confers on him a corresponding right. Sir, I move.

The motion was adopted.

The Honourable Sir Alexander Muddiman: Sir, I introduce the Bill.

THE INDIAN TRADE UNIONS BILL.

Mr. President: The House will now resume further consideration of the following motion moved by the Honourable Sir Bhupendra Nath Mitra on the 17th September, 1925:

"That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, as reported by the Select Committee, be taken into consideration."

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, when I introduced this Bill in this House on the 22nd January, 1925, and later on, on the 4th February, when I asked for leave to refer it to a Select Committee, I explained the reasons which had led Government to bring forward this measure as well as the fundamental principles and important provisions of the Bill as drafted by Government. I do not propose to take up the time of the House by trying to cover again the same ground or to dilate further on these various matters. In the Select Committee we examined the Bill clause by clause with the greatest care. On behalf of Government I am prepared to accept substantially the Bill as modified by the Select Committee subject to certain reservations to which I shall refer later on, as constituting a compromise on the basis of which we can embark on an experiment in this difficult matter. If, however, any further changes of any material character are made by this House in the Bill, Government will have to reconsider its attitude in regard to it.

The first important changes made by the Select Committee in the original Bill is the insertion of the clause which is now numbered 16. This clause provides for the constitution of a separate fund to be formed from optional contributions and to be utilised for expenditure on specified objects for the promotion of the civic and political interests of the members of a Trade Union. I explained to this House on the 4th February last the reasons which had led Government to remove political objects from the purposes upon which the funds of the Trade Union should be expended. I may mention that under the principles of English law the general funds of a Trade Union may be expended on only two classes of objects. The first class consists of purely trade objects, namely, those which deal with wages, hours and working conditions and the regulation of relationships between employers and workmen. The second class consists of the ancillary or benevolent purposes, namely, provision of unemployment, sickness, superannuation and various other classes of benefits. These two classes of objects formed the only purposes upon which the funds of a Trade Union in Great Britain could be expended for a period of over 40 years, namely, from the passing of the Trade Union Act of 1871 down to 1913. They still constitute the only purposes on which the general funds of a Trade Union in Great Britain can be expended. In 1913, however, an enabling Act was passed which permits of expenditure by a Trade Union on specified political objects from a special fund raised by voluntary contributions. The voluntary contributions are raised on the basis of "contracting out", that is to say, a member is exempted from any obligation to contribute to the special fund if he gives notice to that effect. The Select Committee considered carefully the arrangements in regard to a separate political fund which prevail in England, and the objections of the Government of India to the adoption of similar arrangements in India. In the end, a majority evolved a compromise

[Sir Bhupendra Nath Mitra.]

which is incorporated in clause 16 of the Bill now before the House. The provisions of this clause practically follow the English law on the subject except that voluntary contributions will be raised on the basis of "contracting in". Personally I do not like the provisions of the clause, as I am apprehensive that in the present state of education among a large body of workmen, which is far behind the stage that was reached in England in 1913, they may constitute a weapon in the hands of interested persons to exploit the workmen and the effect of such exploitation may not be in the best interests of the latter. I may mention that even in England there is a considerable difference of opinion about the usefulness from a purely trade union point of view of the special political fund; and in this connection I would quote the following from a recent book on Trade Unionism by Mr. W. A. Appleton, a leading British trade unionist, who, I understand, is the General Secretary of the Federation of Trade Unions:

"The old trade unionists declared by their methods that they organized to secure the best possible wages and the best possible conditions. 'If' they said 'we include other objects, we may attempt too much, and we are likely to accomplish too little. While the issues are simple, all our people can understand and voluntarily give their allegiance, but when these issues become complex and demand the sacrifice of traditional beliefs and the acceptance of religious or political dogma, disintegration or compulsory adhesion is invited'.

'The old folks were right. They mostly are, because they reason from experiences endured, as well as from knowledge acquired. Their policy consciously aimed at missing some of the troubles which beset modern trade unionists. To-day, indeed, there are many thousands who feel that the disintegration which threatens trade unionism is the penalty for having mixed up the issues arising out of employment with those arising out of national and international affairs; who believe also that it is difficult to obtain the maximum improvement in wages and working conditions if half one's time and resource is given to promoting internal or external revolution.'"

On behalf of Government, I am prepared however to let the matter rest where it has been left by the Select Committee and to accept clause 16 without any further amendment, direct or indirect, but subject to a verbal and drafting correction of which I have already given notice.

The second of the important changes made by the Select Committee in the original Bill is in the clause which is now numbered 22. Here the original Bill proposed that a majority of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is connected. A majority of the Select Committee has altered the words "a majority" at the beginning of the clause to "not less than one-third" giving as their reasons for the change "the low educational level of the ordinary labourer". In the separate minute which I have signed in common with some other members of the Committee, I have given my reasons for dissenting from the view, and I find from his separate minute that Dr. Datta also shares my conclusions. Dr. Datta has tabled an amendment on the subject and I reserve my views until the amendment comes up for consideration.

This brings me to an incidental matter. It will be seen from paragraph 2 of the Select Committee's Report that in the minute of dissent signed by Messrs. Sinha and Goswami the question of extending immunity from criminal or civil liability in cases mentioned in clauses 17 and 18 to unregistered Trade Unions and to persons who are not connected with

registered Trade Unions' was brought up before the Select Committee. The Select Committee could not entertain the proposal as it was outside the scope of the Bill which is "to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India". In order to give experienced labour leaders connected with the industry the protection of clauses 17 and 18 of the Bill when engaged in an advisory capacity in any industrial dispute affecting a registered trade union, the Committee however inserted in the Bill the clause which now appears as 6 (e). It is apprehended in some quarters that, if no limitation is imposed on the number of honorary and temporary members, this clause may also operate to have a weakening influence on a registered Trade Union and to retard the growth of self-reliance. I notice that an amendment has been tabled imposing a limitation on the number of these honorary members. Here again I reserve my views until the amendment comes up for consideration.

I also notice from the agenda paper that certain amendments have been tabled which are intended to extend some of the provisions of the Bill to unregistered Trade Unions. These amendments are outside the scope of the present Bill whose sole object, as clearly stated in its Preamble, is "to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India". I shall in due course raise a point of order for your decision, Sir, whether the amendments should be allowed to be moved.

I would implore the House to pass the Bill with as few modifications as possible. The Bill may not satisfy every Member of this House. But there can be no doubt that it will constitute a useful framework which we can alter as our experience of this subject under Indian conditions progresses. Meanwhile, it will help Trade Unions to make a beginning on right lines in the direction of organizing and educating the labouring classes and of starting co-operative institutions for conferring on them benefits in various directions. As I have said on a previous occasion, it is on this organization, education and co-operation that the uplifting of the labouring classes in this country will depend more than any amount of legislation that this House may pass. My friend, Mr. Joshi, or my friend, Mr. Chaman Lall, would still be at liberty to bring later on before the House other Bills designed to extend certain provisions of the present Bill to unregistered Trade Unions, and I would appeal to them not to block the progress of the present Bill because they feel that something should be done for unregistered Trade Unions which are not prepared to seek registration under the Bill before the House.

Mr. President: The question is :

"That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President: The question is :

"That clause 2 do stand part of the Bill."

(Mr. Chaman Lall rose.)

The Honourable Sir Bhupendra Nath Mitra: Sir, before my friend, Mr. Chaman Lall, moves the amendment tabled against him as No. 3, may I ask a question so that I can make up my mind whether I shall not refer to you a point of order?

Mr. President: Does the Honourable Member desire to ask a question?

The Honourable Sir Bhupendra Nath Mitra: Yes. The question is this: Does that amendment refer to registered Trade Unions or to unregistered Trade Unions?

Mr. Chaman Lall (West Punjab: Non-Muhammādan): That, Sir, if I am asked to reply to that question, will certainly depend on whether this House accepts the amendment which we have tabled already with regard to registered and unregistered Trade Unions.

Mr. President: The answer given by the Honourable Member is quite clear. If the House ultimately decides to extend this Bill to unregistered Trade Unions, then it will apply to unregistered Trade Unions also; otherwise it will only apply to registered Trade Unions.

The Honourable Sir Bhupendra Nath Mitra: That does not answer my question, Sir, because the provisions in the Bill, as they stand, cover the case of registered Trade Unions, and this amendment is not required in the case of registered Trade Unions. Therefore I wanted to know whether this amendment is designed to extend the provisions of certain clauses of the Bill to unregistered Trade Unions, because, if this is so, I would immediately raise a point of order for your decision.

Mr. Chaman Lall: All that I wanted to say, Sir, was this that I do not think the Honourable Member has really properly understood the meaning of our amendment. We are trying to define the word "workmen". . . .

Mr. President: The Honourable Member is arguing without knowing the amendment. I believe that on the whole it would be much better that the consideration of this amendment be taken up after the question raised by the Honourable Sir Bhupendra Nath Mitra is settled. We will proceed to amendment No. 4, Mr. Joshi.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammādan Urban): On a point of order, Sir. Is it not for the Honourable gentleman to put whatever interpretation he thinks this amendment would bear? He has been told that if ultimately the House is of opinion that the Bill should be extended to unregistered Trade Unions also, then this provision will also apply to such Trade Unions; if not, it will not apply.

Mr. President: The Honourable Member forgets that the Honourable Sir Bhupendra Nath Mitra has already explained that if the Bill be made applicable only to registered Trade Unions, then this particular amendment is not at all necessary. Therefore, we will have to go into the question whether this Bill is to apply to registered Trade Unions or also to unregistered Trade Unions.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammādan): Even if the application of this Bill is limited to registered Trade Unions, will not these words cover the name of the place which, according to the constitution of a Union registered under this Bill, will be the place. . . .

Mr. President: I have already explained to Honourable Members that the contention of the Honourable Sir Bhupendra Nath Mitra is that the retention of this amendment would not be necessary if this Bill is made applicable only to registered Unions. Mr. Joshi.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, I beg to move:

"That to sub-clause (g) of clause 2, the following be added at the end:
'and the expression 'workmen' means all persons employed in trade or industry whether or not in the employment of the employer with whom the trade dispute arises'."

My amendment brings the definition of 'trade dispute' as given in this Bill into line with the definition given in the English law. I do not know why the Government of India omitted this portion, but I feel that this amendment will be useful for the proper interpretation of this Bill. The usefulness of the amendment consists in this that in a Trade Union there are Members working under different employers. The definition of 'trade dispute' given here is:

"'Trade dispute' means any dispute between employers and workmen."

It may be a dispute between an employer and his workmen or between an employer and other workmen. Therefore, this definition of workmen is absolutely necessary to make it quite clear that any dispute between any employer and any workman, whether he is his employer or he is not his employer, should be considered as a trade dispute for the purposes of this Bill. I would like to draw the attention of Honourable Members to clause 18 of this Bill. In clause 18, sub-clause (2), we have the words "trade dispute". The sub-clause runs as follows:

"No suit or other legal proceeding shall be maintainable in any Civil Court against a registered Trade Union in respect of any act done in contemplation or furtherance of a trade dispute by any person acting on behalf of the Trade Union, if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the Trade Union and that the executive has repudiated such act at the earliest opportunity and by all reasonable means and with reasonable publicity."

Now there a trade dispute means a dispute between an employer and any class of workmen, or it may mean a dispute between an employer and his workmen. Clause 18, sub-clause (2), gives immunity to the officers of a registered Trade Union from certain consequences of the civil law. Now, an officer of one Trade Union may go to help another Trade Union and he may not be a workman of that employer with whom the dispute has arisen. We want to protect this officer who is not a workman of the employer with whom the dispute has arisen. I think the addition of this clause will therefore be very useful and necessary. It exists in the English law and the English law has been in existence for many years. People in England have got great experience of trade unionism and cases under the trade union law and they have still thought it necessary to keep this portion of the definition. I therefore think that we should also have it here. I move my amendment.

Mr. Devaki Prasad Sinha: Before you put the question, Sir, may I know if the Government are not replying?

Mr. President: It is for the Government to consider whether they should reply or not. I waited for the Government Member to rise, but as he did not choose to do so, I have put the question.

Mr. Devaki Prasad Staha: I want to speak then.

Mr. President: Order, order. The Honourable Member is too late now. The question is:

"That to sub-clause (g) of clause 2, the following be added at the end:
'and the expression 'workmen' means all persons employed in trade or industry whether or not in the employment of the employer with whom the trade dispute arises'."

The motion was adopted.

Mr. N. M. Joshi: I propose, Sir, that Mr Chaman Lall's amendment be taken up first.

Mr. President: Mr. Joshi.

The Honourable Sir Bhupendra Nath Mitra: May I make a suggestion, Sir, before Mr. Joshi moves his amendment?

Mr. Joshi's amendment runs like this:

"That in sub-clause (h) of clause 2 after the words 'between employers and employers' the words 'or for imposing restrictive conditions on the conduct of any trade or business and the provision of benefits to members' be inserted."

May I suggest, Sir, that it be split up into two parts, because the two parts are really distinct, the first part referring to imposing restrictive conditions on the conduct of any trade or business and the second part referring to the provision of benefits to members. The two things are quite distinct and our line of dealing with them will also be quite distinct.

Mr. N. M. Joshi: I am willing to accept the suggestion of the Honourable Member.

Mr. President: The Honourable Member will only move the first part now, and the second part later

Mr. N. M. Joshi: Sir, I move:

"That in sub-clause (h) of clause 2 after the words 'between employers and employers' the words 'or for imposing restrictive conditions on the conduct of any trade or business' be inserted."

This amendment also is intended to bring the definition of the Trade Union into line with the English definition. One of the objects of any Trade Union is to impose restrictive conditions on the conduct of any trade or business. It is difficult to say whether this condition is included in the definition itself. I am not a lawyer myself. I find it very difficult to say whether the definition given in the Bill will cover imposing restrictive conditions on the conduct of any trade or business or not. The definition says:

"'Trade Union' means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen or between employers and employers . . ."

It may be said that regulation of relations between employers and workmen and between workmen and workmen really includes the imposition of restrictive conditions, but I am anxious to make this point very clear because the main work of a Trade Union consists of placing these restrictions. Therefore, it is necessary to make this point very clear and as I am bringing this definition into line with the English definition, I think the Government will also accept this amendment.

The Honourable Mr. S. B. Das (Law Member): Sir, perhaps the House will allow me to explain to Honourable Members who have not had time to go into this matter what the legal position is with regard to this amendment. The definition of "Trade Union" under the English Act is this:

"The term 'trade union' means such combination, whether temporary or permanent, for regulating the relations between workmen and masters or between workmen and workmen, or between masters and masters . . ."

So far we have followed it in our Bill. Then it goes on:

"or for imposing restrictive conditions on the conduct of any trade or business as would, if this Act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade;"

and then it goes on:

"Provided that this Act shall not affect:

- (1) any agreement between partners as to their own business;
- (2) any agreement between an employer and those employed by him as to such employment;
- (3) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft."

Now, the reason why the Bill did not follow the English definition word for word really depends on this. In England there is the common law against restriction of trade. That law does not apply in India. There is no law against restraint of trade here and, therefore, in England it became necessary. I ought to point out that under the English Act of 1871, which was the original Act, the words which my Honourable friend now wishes to insert did not find any place. But by reason of the law against restraint of trade existing in England a doubt was raised as to whether agreements by an association of manufacturers to restrict the price of goods or to keep up the price of goods or to restrict production with a view to prevent lowering of the price of goods would come within the definition as originally framed under the Act of 1871. It was to resolve that doubt, that is to say, whether an agreement by an association of manufacturers that they shall not sell certain manufactured articles beyond a particular price or that the production should be restricted so that prices may be kept up, it was to resolve that doubt that by the Act of 1876, those words were inserted. Now, the position Government take up is this, that if my Honourable friend insists on this amendment, namely, that these words be inserted, there will be no objection provided the same safeguard against it, as is provided in the English definition, be inserted, that is to say, provided these words are also added to the definition:

"Provided that this Act shall not affect:

- (1) Any agreement between partners as to their own business"

and the remainder of that definition, because without that there may be a danger of a partnership which provides for restricting trade of their own business being considered to be a Trade Union.

Mr. N. M. Joshi: I shall be very glad to accept this proposal that this provision about partnership should be added.

Mr. President: It is not enough that the Honourable Member should say that he has no objection to the suggestion. Some other member should move the amendment formally.

Mr. A. Rangaswami Iyengar (Tanjore cum Trichinopoly: Non-Muhammadan Rural): I think it should come from the Government.

The Honourable Sir Bhupendra Nath Mitra: I think, Mr. Joshi's amendment must stand as it is. Following the English Act, we will have to say at the end of that particular clause that—

"Provided that this Act shall not affect any agreement between partners as to their own business; any agreement between an employer and those employed by him as to such employment; and any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft."

Pandit Motilal Nehru: May I be allowed to point out that, in view of section 27 of the Indian Contract Act, it is not at all necessary to impose the safeguards which my Honourable friend the Law Member has thought necessary. We have all these safeguards in section 27. I was rather surprised to hear that there was no law in India against restraint of trade. I find that there is such a law, and it is to be found in section 27 of the Indian Contract Act. That law introduces the very safeguards that have been mentioned by my friend opposite. May I read that section, Sir? It runs as follows:

"Every agreement by which any one is restrained from exercising a lawful profession, trade or business of any kind, is to that extent void."

And then come the *Exceptions*. The first *Exception* is in favour of goodwill; the second is with regard to contracts between partners; and the third is that partners may agree that some one or all of them will not carry on any business, other than that of the partnership, during the continuance of the partnership. That being the law of the land, I do not see that any extra precaution is necessary.

The Honourable Mr. S. R. Das: I am afraid I did not make myself clear. The reason why I said that this provision should also be there is this that, in the absence of that provision, it might be argued that an agreement between the partners that they should restrict their production would make that partnership a Trade Union apart from the question whether it is in restraint of trade or not. If that provision is not there and the words merely are "as between masters and masters (here they are "as between employer and employer") or for imposing restrictive conditions on the conduct of any trade," that is of any partnership business in which they have entered, it might be argued that the partnership being an agreement between master and master and containing a restrictive condition as to the conduct of their business would come within the definition of a Trade Union and that its members would be entitled to the immunities which the Act confers on the Trade Union. It is to avoid that that I am suggesting that such a provision ought to be in the amendment.

Mr. President: The amendment before the House is the amendment moved by the Honourable Member from Bombay. The proviso that the Honourable Sir Bhupendra Nath Mitra wishes to propose will come later on after the amendment is adopted. That is what I understand to be the position.

The Honourable Sir Bhupendra Nath Mitra: I cannot agree to Mr. Joshi's amendment unless the proviso is simultaneously accepted, because otherwise there will be difficulties to which reference has been made by my Honourable friend, Mr. Das, that is, a partnership arrangement will become a Trade Union.

Mr. President: There can only be mutual understanding on both sides.

The Honourable Sir Bhupendra Nath Mitra: If there is an understanding it will be accepted, I have no objection to accepting this part of Mr. Joshi's amendment.

Mr. President: The question is:

"That in sub-clause (h) of clause 2 after the words 'between employers and employers' the words 'or for imposing restrictive conditions on the conduct of any trade or business and the provision of benefits to members' be inserted."

The motion was adopted.

Mr. N. M. Joshi: I propose my second amendment, namely:

"That in sub-clause (h) of clause 2 add after the words added by the previous amendment these words, 'and the provision of benefits to members.'"

These words are also found in the English definition and it is one of the objects of the Trade Unions to make provision for certain kinds of benefits to members. I think there is nothing in my amendment to which Government should take objection, because they approve of the idea of Unions giving benefits.

The Honourable Sir Bhupendra Nath Mitra: Will Mr. Joshi kindly refer me to the provisions of the English Act, in which these particular words are included in the definition of Trade Unions? I shall then state my objections.

I am afraid Mr. Joshi will fail in his effort to find these words included in the definition of Trade Unions under the English law, and there is a very good reason for it.

***Lala Lajpat Rai** (Jullundur Division: Non-Muhammadan): May I point out that the language is to be found in clause (e) of the definition of a Trades Union in the Act of 1913. It is stated there that the principal objects are:

- (a) the regulation of the relations between workmen and masters;
or
- (b) between workmen and workmen; or
- (c) between masters and masters; or
- (d) the imposing of restrictive conditions on the conduct of any trade or business; or
- (e) the provision of benefits to members;

all of which are described in the Act, as "statutory objects". It is on page 89 of Slessor's Law on Trade Unions, 1913.

The Honourable Mr. S. B. Das: May I point out to my Honourable friend that if he reads that definition again he will find that it refers to benefits mentioned in the objects. These are statutory benefits. If instead of the words suggested by my Honourable friend, Mr. Joshi, "and the provision of benefits to members", he added "some provision of such benefit to members as are stated in the Bill," there will be no objection. The English definition is "such benefits as are mentioned in the Act." It is not benefits generally, because that would be dangerous.

Lala Lajpat Rai: The word "such" is not to be found there. It says "the provision of benefits to members." Then there is a semi-colon, and it goes on, "all of which are described in the Act as 'statutory objects'".

The Honourable Mr. S. R. Das: That means everything stated there including benefits.

Mr. N. M. Joshi: I do not mind your putting in these words.

The Honourable Sir Bhupendra Nath Mitra: I shall now give my objection to Mr. Joshi's amendment. What Mr. Joshi is really driving at is provided for in our clause 15 whose deletion he wants to propose in a later amendment. We have later on in the Bill the statutory objects to which reference is also made in the English law, and I shall now point out to him the defects of his present amendment. The amendment as it stands can only be read as indicating that all Trade Unions must have provision of benefits to members. Does Mr. Joshi seriously urge that if a Trade Union does not provide for benefits for its members, it should
1 P.M. cease to be a Trade Union?

Mr. N. M. Joshi: The word is "or" not "and".

The Honourable Sir Bhupendra Nath Mitra: The word in the amendment before me is "and"; "and the provision of benefits to members."

Mr. N. M. Joshi: That is a mistake.

The Honourable Sir Bhupendra Nath Mitra: I shall meet that point later on; Mr. Joshi is not yet out of the wood. For the present, I am dealing with the amendment as it stands, "and the provision of benefits to members".

Mr. N. M. Joshi: May I say a word?

Mr. President: The Honourable Member cannot be allowed to speak twice.

The Honourable Sir Bhupendra Nath Mitra: Well, Sir, as the wording stands, I have already pointed out to this House that it will create an anomalous position, as no Union can become a Trade Union unless it provides for benefits to members. I shall not, however, bandy words with Mr. Joshi; I shall assume that he intended the word "and" to be "or". Now, Sir, what is the primary object of a Trade Union? As I have already said, the principle of the English law is that its primary object is what is known as trade purposes. The benevolent purpose is a secondary object. If I am to alter the word "and" to "or" what is the result? A Union whose sole object is to provide benefits for its members, such as a purely friendly society, becomes a Trade Union. The English law on the subject is in fact more clear and free from pitfalls of this sort. In India to provide for a similar arrangement we put in clause 15 of the Bill later on. Therefore, Sir, that being the position, I am afraid I must oppose this particular amendment of Mr. Joshi's.

Mr. N. M. Joshi: All right, Sir, I withdraw this portion of the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President: I think we might defer further consideration of clause 2, as a whole, to enable the Honourable Member for Industries and Labour to raise his objection at the proper time and get a decision. We shall pass on to clause 8.

The Honourable Sir Bhupendra Nath Mitra: I have yet to put an amendment under clause 2.

Mr. Chaman Lall: I have also an amendment to Mr. Joshi's amendment.

The Honourable Sir Bhupendra Nath Mitra: I do not understand the position. Mr. Chaman Lall says he has another amendment. He did not move his amendment as an amendment

Mr. Chaman Lall: I was never called upon to move it.

Mr. President: The Honourable Member is not entitled to expect to be called upon to move his amendment; it is his duty to rise from his seat to move it. If he wishes to move his amendment even now, I will give him an opportunity to do so.

Mr. Chaman Lall: I thank you, Sir. I do move my amendment, and desire to add after the words "trade or business" the further words:

"whether such combination would or would not, if this Act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade"

I think the Honourable Member will see that this wording is more complete and follows in the wake of the English law on the subject. I cannot see what objection there can be to the acceptance of this wording in the definition of a Trade Union.

The Honourable Sir Bhupendra Nath Mitra: I do not see how I can accept this particular amendment which is unnecessary. The provision was made in the English law simply for the reason that before that Act was enacted, there were certain other enactments which made associations of that sort unlawful. I am pretty certain Mr. Joshi did not overlook that aspect of the case, and that is the reason he did not overburden his amendment, which undoubtedly has some relevancy, with the words Mr. Chaman Lall wants to add.

Mr. President: The question is:

"That, after the words 'trade or business' in the amendment just adopted, the following words be added:

'whether such combination would or would not, if this Act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade.'"

Mr. Chaman Lall: I withdraw that, Sir. If I have your permission, I withdraw it.

The amendment was, by leave of the Assembly, withdrawn.

The Honourable Sir Bhupendra Nath Mitra: Sir, I propose that at the end of sub-clause (h) of clause 2 of the Bill the following words be added:

"Provided that this Act shall not affect (i) any agreement between partners as to their own business, (ii) any agreement between an employer and those employed by him as to such employment, and (iii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade, or handicraft." The reasons for proposing this amendment have already been fully gone into.

Mr. N. M. Joshi: Sir, I have not understood this portion as regards the agreement between employers and employees. Certain Trade Unions impose certain restrictions upon the agreement between employers and employed as regards wages. I have not understood the legal provision at all.

The Honourable Mr. S. E. Das: That would not be restriction of trade.

Mr. President: The Chair is not concerned whether any particular Honourable Member has understood the amendment or not, but whether the two parts of the House agree that this amendment should be carried. The question I have to put is that this amendment be made.

The motion was adopted.

Mr. President: The further consideration of this clause—clause 2—will be deferred; it will be considered later on. There is one amendment by Mr. Chaman Lal which has not yet been considered.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Sir, I beg to move an amendment:

“That at the end of sub-clause (1) (d) of clause 5 add the following words:

‘in English and in the language of the majority of the Members of the Trade Union.’”

Sir, we must not disregard the results of many of the sporadic Trade Unions which have been formed in this country. These did an immense amount of harm to labour. Many such Unions collected funds for several months, and then, when the time arrived to make proper use of those funds, it was found that they had been disbursed in the expenses of the leaders. In other cases it was found that both the leaders and the funds had disappeared at the same time. Employers do not like to see their labour exploited in that way or the wages which they pay dissipated in improper purposes; and we hope that much good may come for the protection of workers under certain clauses of this Bill. Therefore, in order that the workers may clearly understand what the objects of the Unions are and their rights, I propose the addition of these words, which will enable every worker to see and to understand exactly what the rules of the Trade Union are in his own language as well as in English. I move my amendment.

Mr. Devaki Prasad Sinha: Sir, I do not know how my Honourable friend, Mr. Willson, wants the substance of his argument to be conveyed in the form in which he has placed it before the House. This clause relates to an application for registration to be made before the Registrar. Now, whether an application is made in English or in the vernacular of the majority of the members of the Trade Union, what has that got to do with the majority of members of the Trade Union understanding the rules

and regulations? The application has got to be accompanied by a copy of the rules. The clause as it stands runs like this:

"Every application for registration of a Trade Union shall be made to the Registrar, and shall be accompanied by a statement of the following particulars, namely:

(d) a copy of the rules of the Trade Union."

Now, the copy of the rules of the Trade Union is not meant for inspection by members of the Trade Union, but meant for submission to the Registrar along with the application for registration. Whether that application is made in English or in the vernacular what does it matter? So my Honourable friend's invective falls entirely to the ground; and unwarranted as it is, it is hopelessly inappropriate in the discussion of an amendment to this clause. I therefore hope that my Honourable friend will not press his amendment.

Mr. N. M. Joshi: Sir, I oppose this amendment for the reason of the speech of my Honourable friend, Mr. Willson. In the first place I do not see any point in compelling a Union to have its rules both in English and in the vernacular. It is the business of the members of the Union to say which language will suit them. If the vernacular suits them they will have their rules in the vernacular; if English suits them, they will have their rules in English. But Mr. Willson referred to the misappropriation of certain Union funds by the officers, and he thinks that that misappropriation will be prevented by having the rules of the Trade Union in English. He also stated that many Trade Unions appeared and disappeared. But does he not know that many companies appear and disappear with greater loss to the community? Why does he not mention that? Hundreds of companies appear on the surface and they disappear, causing tremendous loss to the community.

Pandit Madan Mohan Malaviya: How does that come here?

Mr. N. M. Joshi: It comes here because of Mr. Willson's speech. If you refer to the amendment you will see it says that the rules must be translated into English. Mr. Willson's object seems to be to make provision for some English writers to get the copy of the vernacular rules translated into English, and thus compel the Trade Unions to spend five or ten rupees. Why do you want the Trade Union to translate these rules into English? I do not want the Trade Unions to waste their money like this, as Mr. Willson wants them to do. I therefore oppose the amendment.

Colonel J. D. Crawford (Bengal: European): So far as I understand my Honourable friend, Mr. Devaki Prasad Sinha, he proposes to have one copy of rules which he would supply to the Registrar and another copy, which may be an entirely different one, which he would dish out to the members of the Union

Mr. Devaki Prasad Sinha: On a point of personal explanation, Sir. I only said that the intention which my Honourable friend, Mr. Willson, had given expression to in his speech was not conveyed by the amendment which he actually proposed. The clause to which the amendment is proposed relates to applications to the Registrar. I said that it did not matter whether that application was in English or in the vernacular.

Colonel J. D. Crawford: Surely, the correct procedure is for you to have the rules both in English and in the vernacular and to file them with the Registrar, so that if a Member wants to find out exactly what are the correct rules he can go to the Registrar at any moment and see the registered rules.

Mr. N. M. Joshi: Why have them in English?

Colonel J. D. Crawford: Do you object to it?

Mr. N. M. Joshi: I object that any Union should be made to spend money in translating these rules and regulations into English.

Mr. Chaman Lal: Sir, I can quite see the reason which prompted the Honourable Member to propose his amendment, namely, that the rules and regulations should be in English as well as in the language of the majority of the members of the Trade Union. He has given away his whole case by attacking the Trade Unions and harping on the theme of Trade Union officials running away with the money belonging to the Unions. The reason is this. The employers want to know exactly what sort of rules and regulations these Trade Unions have in order always to be on the *qui vive*. That is the reason, but the Honourable Member has not told us the real reason. Instead of that he has gone running after a fresh hare before the chase is started. The Honourable Member has no reason to advance whatsoever as to why the rules and regulations should be in English. He may be a very great scholar of English, but does he expect these workers to waste their money in getting these rules and regulations printed in English? Why should they? If they want, let them print the rules and regulations in Chinese. But why should you compel them to have the rules and regulations in any particular language which may perhaps be desirable in the eyes of the Honourable Member? Sir, I oppose this amendment.

***Lala Lajpat Rai:** Sir, may I point out that the proper place for this amendment would be not under clause 5 (1) (d), but under clause 29, sub-clause (2) (a). These rules will be made by the Government under clause 29 (2) (a), and that will be the proper place to give effect to this provision. Clause 29 (2) (a) refers to the manner in which Trade Unions and the rules of Trade Unions shall be registered, and here the Government can lay down that, in order to enable a Trade Union to be registered, the rules shall be in such and such a language. You do not require this amendment in a place which refers only to the application to be made to the Registrar accompanied by the necessary documents. This is not, I submit, the proper place for this amendment, and, therefore, I oppose this amendment.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I also rise to oppose this amendment. Whatever reasons the Honourable Member may have, I think they are altogether uncalled for, and there is no need for this amendment. There is no reason why the application and the documents should be printed in English before they are filed before the Registrar. All sorts of applications are filed by people in this country in the courts and they are all in the vernacular of

*Speech not corrected by the Honourable Member.

the district. So, why should these Trade Unions be compelled to have the applications translated into English? As there appears to be no reason for adding the word "English", I oppose this amendment.

Mr. President: The question is :

"That to sub-clause (1) (d) of clause 5 the words 'in English and in the language of the majority of the members of the Trade Union' be added."

The motion was negatived.

Clause 5 was added to the Bill.

The Assembly then adjourned for Lunch till Three of the Clock.

The Assembly re-assembled after Lunch at Three of the Clock, Mr. President in the Chair.

Mr. President: The question is :

"That clause 6 stand part of the Bill."

Mr. Chaman Lal: Sir, I beg to move :

"That in sub-clause (d) of clause 6, the word 'adequate' be omitted."

All that I have to say in regard to this amendment is this. There is no necessity whatsoever to insert the word "adequate" there, because, you have already a clause which says that facilities shall be allowed to the Registrar, and if facilities are to be allowed, it obvious¹ means that adequate facilities will be allowed. If you insert this word there is every danger of a delay arising in the matter of registration, because it leaves it entirely to the arbitrary will of the Registrar to allow or not to allow a Trade Union to be registered so long as the question of what is adequate and what is not adequate is left for him to decide. Therefore I submit, Sir, that the word "adequate" be omitted in this particular clause, sub-clause (d) of clause 6.

Mr. Devaki Prasad Sinha: Sir, the insertion of the word "adequate" in this clause is not merely redundant but positively dangerous. It gives the Registrar an almost judicial discretion. He will have to decide what provisions made in the rules in this behalf are adequate and what are not adequate. That, I submit, opens the gateway to a great controversy which might delay the registration of a Trade Union. The original idea was, I think, that the Registrar should, as a matter of course, register those Unions which comply with the provisions of this Bill. If we introduce the word "adequate", then if we have a Registrar whose tendencies are not very favourable to the development of Trade Unions in India, he can not only delay the development of Trade Unions but can also inhibit the very growth of trade unionism in any province. I therefore submit, Sir, that if we allow the word "adequate" to stand in the Bill, it will make this provision a very dangerous weapon in the hands of the Registrar. For these reasons I support my Honourable friend, and I hope that this amendment will be accepted by the House.

The Honourable Sir Bhupendra Nath Mitra: Sir, it will be noticed that the portion of the clause in which the word "adequate" occurs was inserted in the Bill by the Select Committee and the Select Committee paid very careful attention to the aspect of the case brought forward by my Honourable friend Mr. Sinha, that is, the possible interference of the Registrar. The Select Committee did not take the view which Mr. Sinha has taken. As a matter of fact, to avoid any interference on the part of the Registrar they made certain amendments in clause 7 (1) of the Bill. It seems to me, Sir, that if facilities are to be afforded, it is obvious they must be adequate and I cannot see any objection to this particular word. I know Mr. Sinha took exception to this word in Select Committee as is apparent from his minute of dissent, but the majority of the Select Committee thought, in fact they desired, that the word should be there, after hearing all that Mr. Sinha had to say. That being the position, Sir, I cannot agree to the omission of the word.

The motion was negatived.

Mr. W. S. J. Willson: Sir, I beg to move the following amendment:

"For sub-clause (c) of clause 6 the following be substituted:

'(c) the admission of ordinary members and also the admission of the number of honorary or temporary members as officers required under section 22 to form the executive of the Trade Union.'"

Sir, clause 22 of the Bill clearly contemplates the necessity for members of Trade Unions, other than workers, and with that necessity I am sure no one will disagree. It is probably that which is responsible for the insertion by the Select Committee of clause (c) to which I have just moved an amendment. It is undoubtedly the case that in India we have not, in our prospective Trade Unions, as yet a class of members suitable to form the necessary number of leaders and it is for that purpose that other members must be admitted. We must also remember that in Britain before the establishment of full Trade Unions, the then illiterate workers had had several years experience of the working of friendly societies and workers guilds and the exercise of their vote in those societies had educated them largely to the value of it. It had taught them the necessity for organising, for balancing their income and expenditure, and so on, and from the officers that they had had in those small societies, when Trade Unions came there was no difficulty in finding leaders. To-day, in India those conditions are not yet with us and so it is proposed that outsiders should be allowed to be members of the Union, but that is for the purpose of forming the leadership class. If that be the object, and I suggest it is a very right and proper object, then I think we should do well to make our meaning equally plain in this clause (c) and you will notice that my wording merely means that the temporary men should only come in as officers. I do not believe that any one wants to have any so-called Trade Union swamped by a number of non-workers and if, as I say, that be the feeling of the House, then I think we might as well make it quite plain by amending this wording accordingly.

The Honourable Mr. S. R. Das: Government have no objection to this amendment but I would suggest a change in the phraseology merely from

a legal point of view, if the House will agree to it. I notice the words "the admission of ordinary members and also the admission of the number of honorary or temporary members", etc. Now, there is no definition in the Bill itself of what an ordinary member is and I would suggest these words for your consideration "the admission of ordinary members, being persons actually engaged or employed in an industry with which the Trade Union is connected". That is a definition of ordinary members. (*Several Honourable Members* "No.") I leave it for your consideration, as there is no definition of "ordinary member".

The Honourable Sir Bhupendra Nath Mitra: In view of what has fallen from my Honourable colleague, the Law Member, I move the following amendment to the amendment which stands here in the names of my friends, Messrs. Willson and Chaman Lall, that is, that after the words "ordinary members", the following words be added: "who shall be persons actually engaged or employed in an industry with which the trade union is connected". Subject to this addition, which, as the Honourable the Law Member has explained, is a purely drafting correction, Government are willing to accept the amendment.

Mr. Devaki Prasad Sinha: On a point of order, Sir. May I know if the amendment proposed by Sir Bhupendra Nath Mitra is in order inasmuch as his amendment extends the scope of the amendment which has been proposed by Mr Willson. It defines what ordinary members are. My submission is that it extends the scope of the amendment.

Mr. President: That exactly is the object of the amendment. As there is no definition of the words "ordinary members" in the Bill itself, it is proposed by this amendment to explain what the words should mean.

Mr. Devaki Prasad Sinha: Will the amendment of Sir Bhupendra Nath Mitra to the amendment of Mr. Willson be in order when it introduces an altogether new subject?

Mr. President: The amendment to the amendment is perfectly in order. It does not introduce any new subject.

Mr. N. M. Joasi: I oppose both Mr Willson's amendment and the amendment which has been proposed by the Member for Industries and Labour. In the first place Mr. Willson's amendment is absolutely unnecessary. Here in this Trade Union Bill we are not going to lay down all the rules which any Trade Union should have and Mr. Willson wants really the rules of the Trade Union to be incorporated in the Bill. The Bill has made a certain provision as regards certain absolutely necessary rules. There are several other things which a Trade Union constitution may contain but which will not be found in this Bill. I oppose Mr. Willson's amendment on the ground that it is unnecessary. When the Honourable Member for Industries and Labour moves an amendment to that amendment defining the words 'ordinary members' I oppose it on substantive grounds. Ordinary members. Why need we make any distinction between persons who belong to the industry and persons who do not belong to the industry? I cannot personally help thinking that all this trouble has been created on account of Government's own action by introducing a clause for saying who should be the office bearers of a Trade Union. If Government had not introduced

[Mr. N. M. Joshi.]

that clause, there would have been actually no difficulty at all, but unfortunately they introduced that clause, the Select Committee improved upon it, and now we are going to improve upon it and create trouble for the poor Trade Unions. I therefore think that both the amendment of Mr. Willson and the amendment of Sir Bhupendra Nath Mitra should be thrown out. They are absolutely unnecessary.

***Lala Lajpat Rai:** Sir, does not the wording of the clause as it stands, the position of the respective expressions, 'members' and 'honorary and temporary members', indicate really who the ordinary members would be? Is it necessary for any definition of an "ordinary member" to be put in here? The contrast itself shows that. In clause 22 you are mentioning honorary and temporary members: the others are all ordinary members. Where is the necessity of any definition? The definition of the clause itself practically defines who the ordinary members will be as distinguished from honorary and temporary members in connection with the second part of the clause. In these circumstances I think this amendment is perfectly unnecessary.

Mr. Chaman Lal: May I point out the difficulty that the Honourable Member would be faced with in defining the words "ordinary member" according as he desires to define those words. He will find, Sir, that in clause 22 it has been stated that the total number of officers shall not be less than one-third of those who are actually engaged or employed in an industry with which the Trade Union is connected. The main object of this amendment which the Honourable Member is proposing is to ensure that a regular register should be kept of the members who are members of the Union and those who are not, those who are honorary, those who are temporary and those who are ordinary members, the main object being not to exceed the limit of outsiders who can be officers of the Union. That is the main object. But according to this definition there is nothing whatsoever to prevent a visitor from coming in and becoming an officer of the Union provided he is merely connected with the trade or connected with the industry. Suppose a Trade Union is in existence at Delhi, a trade union of railway employees, the trade being railway employment. Now a worker who is connected with that trade, say in Calcutta or Bombay or Madras, can also be considered eligible for holding office in that Trade Union. He is ordinarily an outsider. If you define that expression as you desire to define it, then there is nothing to prevent an influx of outsiders, and, taking advantage of your definition, they would be considered not as outsiders but as people belonging to the Union itself.

The Honourable Sir Bhupendra Nath Mitra: Sir, my friend, Mr. Chaman Lal has apparently not carefully studied the provisions of clause 22. That says definitely that "Not less than one-third of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is connected". So, that individual engaged in an industry, who is in Calcutta, while his Trade Union may possibly be at Lahore, comes in not as an outsider but as a person engaged in an industry with which the Trade Union is connected.

*Speech not corrected by the Honourable Member.

Mr. President: The question is:

"That the following words be inserted after the words 'ordinary members' in Mr. Willson's amendment:

'who shall be persons actually engaged or employed in an industry with which the Trade Union is connected'.

The Assembly divided:

AYES—57.

Abdul Qaiyum, Nawab Sir Sahibzada.
 Abul Kasem, Maulvi.
 Aiyangar, Mr. K. Rama.
 Alimuzzaman Chowdhry, Khan Bahadur.
 Bajpai, Mr. R. S.
 Bhore, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Sir Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Carey, Sir Willoughby.
 Chanda, Mr. Kamini Kumar.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Crawford, Colonel J. D.
 Das, Mr. B.
 Donovan, Mr. J. T.
 Dumasia, Mr. N. M.
 Ghazanfar Ali Khan, Raja.
 Gordon, Mr. R. G.
 Graham, Mr. L.
 Hezlett, Mr. J.
 Hira Singh Brar, Sardar Bahadur Captain.
 Hudson, Mr. W. F.
 Hyder, Dr. L. K.
 Innes, The Honourable Sir Charles.
 Jatar, Mr. K. S.
 Jinnah, Mr. M. A.
 Kasturbhai Lalbhai, Mr.

Lindsay, Sir Darcy.
 Lloyd, Mr. A. H.
 Macphail, Rev. Dr. E. M.
 Maguire, Mr. L. T.
 Makan, Khan Sahib M. E.
 Mitra, The Honourable Sir Bhupendra Nath.
 Muddiman, The Honourable Sir Alexander.
 Muhammad Ismail, Khan Bahadur Sayid.
 Mutalik, Sardar V. N.
 Naidu, Rao Bahadur M. C.
 Neave, Mr. E. R.
 Neogy, Mr. K. C.
 Owens, Lieut.-Col. F. C.
 Rahman, Khan Bahadur A.
 Ramachandra Rao, Diwan Bahadur M.
 Reddi, Mr. K. Venkataramana.
 Roy, Mr. G. P.
 Setalvad, Sir Chimanlal.
 Sim, Mr. G. G.
 Singh, Rai Bahadur S. N.
 Sykes, Mr. F. F.
 Tonkinson, Mr. H.
 Ujagar Singh Bedi, Baba.
 Venkatapatiraju, Mr. B.
 Vernon, Mr. H. A. B.
 Vijayaraghavacharyar, Sir T.
 Viahindas, Mr. Harchandrai.
 Willson, Mr. W. S. J.

NOES—27.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Chaman Lal, Mr.
 Chetty, Mr. R. K. Shanmukham.
 Dutt, Mr. Amar Nath.
 Hla. U.
 Iyengar, Mr. A. Rangaswami.
 Joshi, Mr. N. M.
 Kidwai, Shaikh Mushir Hossain.
 Laipat Rai, Lala.
 Lohokare, Dr. K. G.
 Majid Baksh, Syed.
 Malaviya, Pandit Krishna Kant.

Murtuza Sahib Bahadur, Maulvi Sayad.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Ray, Mr. Kumar Sankar.
 Samiullah Khan, Mr. M.
 Sarfaraz Hussain Khan Khan Bahadur.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Devski Prasad.
 Talatuley, Mr. S. D.
 Tok Kyi, U.

The motion was adopted.

Mr. President: The question is :

" That for sub-clause (e) of clause 6 the following be substituted, namely :

' (e) the admission of ordinary members, who shall be persons actually engaged or employed in an industry with which the Trade Union is connected, and also the admission of the number of honorary or temporary members as officers required under section 22 to form the executive of the Trade Union '."

The motion was adopted.

Mr. Chaman Lall: I beg to move :

" That in sub-clause (h) of clause 6 the words ' and the scales of salary, allowances and expenses to which they shall respectively be entitled ' be omitted."

I move this amendment in view of the fact that there is no necessity whatever for putting down in the rules and regulations or in the constitution of the Union the exact scale of salary. I can understand any rules or regulations being inserted in the constitution regarding the manner in which the members of the executive and other officers shall be appointed and removed, but I see no necessity for further adding to that clause a statement regarding the scales of salary to which officers are entitled. If this is meant for the purpose of enabling the Registrar to scrutinise the finances or stability or the financial position of the Union, then it is a different matter. Even there I would certainly object to any statement being put in the constitution itself. Further, the scale of salary varies from time to time. There is no Lee Commission to lay down definite scales of salary mounting up automatically as far as the workers are concerned. There is no knowing whether the finances of a particular Union may progress at one time and be in a very bad condition at another time. It depends on the state of trade or the state of the Union itself. Further, as my Honourable friend reminds me, it also depends upon the particular kind of work for which the worker is employed or, the qualification of the officer himself. I cannot think of any Union in any part of the world which would submit to such humiliating terms as these which are being imposed in India. You want to drill and dragoon them in every possible way in order that they should not be able to raise their heads except under cover of the Trades Union Bill which you are bringing forward. I submit that there is no necessity for this particular clause. I appeal to the Honourable Member to withdraw these words which relate to the question of salaries and allowances and expenses of officials of the Trades Unions.

The Honourable Sir Bhupendra Nath Mitra: Sir, I have listened to my friend, Mr. Chaman Lall, with great care, but I regret I am unable to accept his amendment. The provision consists of one of the safeguards to the member of the Union, and if the amendment were allowed, there would be nothing to stop wholesale appropriation of the funds of the Union by leaving it free to the executive to vote themselves any salaries they liked. I hope my point will be apparent to most Members in this House and I do not want to dwell on it further.

Mr. N. M. Joshi: I think, Sir, no more absurd clause was ever drafted by any Government than this one which asks that the rules of a Trade Union should lay down in definite figures the scales of salaries of its servants. How is it possible for any Union to lay down permanently a scale of salaries and put that down in the rules? Salaries will be paid

according to circumstances to the officers of the Union; how can you put down those figures in your rules? I think, Sir, no more absurd rule was ever drafted and put in a Bill by any Government. Of course I know there are some precedents where salaries, such as that of the Governor General and of big officers have been fixed in a Statute, but do Government also fix the salaries of their clerks and other people in their Statutes? They do not, but they want the salaries of officers of the Unions to be put down in the rules. Probably what the Government really intended was that the rules according to which the salaries were to be fixed should be stated. That is a different thing. If they had said the rules should state how the salaries should be fixed, I could understand it. That would be a reasonable proposition, but to say the scales of salaries should be put down in the rules is absurd to my mind, and I hope Government will withdraw that and support Mr. Chaman Lall's amendment.

Mr. A. G. Glow (Industries Department: Nominated Official): May I point out, Sir, that there is a little misapprehension on the point. There is no question of fixing for all time the salaries or the allowances to be paid to officers of the Trade Unions, the rules are liable to amendment. All we ask is that these salaries should be stated and that is to prevent, at the end of the year, the executive voting all the surplus funds as an honorarium to an officer. If they think an officer is worth more than they are giving him, they can alter the rules and pay him more.

***Mr. M. A. Jinnah** (Bombay City, Muhammadan Urban). I say, Sir, that the Government must meet this amendment. The Honourable Member who spoke last said this is not going to be a fixture for all time, but I would draw the attention of the Honourable Member to the clause which says that the Trade Union shall not be entitled to registration under this Act unless the executive thereof is constituted in accordance with the provisions of this Act. The rules thereof provide for certain matters, and one of the matters is the sub-clause, a portion of which is now sought to be amended, that is clause (h). Therefore you cannot get the Union registered unless you first of all declare what salaries you are going to pay to your officers, the scale of them and the expenses to which they shall respectively be entitled. Now I submit that a Union might be given some credit for common sense. The Honourable Member in charge, Sir Bhupendra Nath Mitra, said, "Oh!" but the Union might vote the whole of the money to themselves

The Honourable Sir Bhupendra Nath Mitra: Not the Union.

Mr. M. A. Jinnah: I beg the Honourable Member's pardon, but surely the Union has got a voice in fixing the salary, the Union has got a voice in allowing the expenditure. The Honourable Member shakes his head. Well, are you going to treat the Union as if it were a stupid body or a little child that could not manage anything at all? If so, why create these Unions at all? If you are going to create these Unions, you must give them some credit for common sense. Therefore, I commend the amendment of Mr. Chaman Lall to the Government and I say that that portion of the Bill will be unworkable and create any amount of difficulty. I think the Government ought not to insist upon it, and I hope the Honourable Member will really meet this amendment and drop that portion with regard to the scales of pay and expenditure.

***Speech not corrected by the Honourable Member.**

The Honourable Sir Bhupendra Nath Mitra: Sir, may I with your permission speak again to explain the position to Mr. Jinnah?

Mr. President: I will allow the Honourable Member permission at the end of the debate.

***Lala Lajpat Rai:** Sir, I just want to point out that the provision seems to me to be thoroughly impracticable. You are registering a Trade Union to-day; you want it to make rules as to pay, allowances, etc., to-day and put them in the application for registration. The Trade Unions are growing, the number of members is growing, and the income from the Trade Union funds is growing. How can any Trade Union possibly anticipate how many officers it will require or how many officers it can pay from its funds beforehand. In reply to the Honourable Member there who says it can be changed, certainly it can; but if it can be changed every 3, 6 or 12 months, why put it in the rules? There is no such provision here that that scale can be changed by the executive or the general Trade Union. You certainly cannot call a meeting of the general Trade Union in the middle of the year or the first quarter of the year to determine how many officers that Union will employ in September or October, and what scale of salaries it can give to them. So I would respectfully ask Honourable Members to consider the impracticability of this provision as it stands now. I think it stands to reason that this should be omitted, because it is wholly impracticable and nowhere else does such a rule exist.

Mr. Devaki Prasad Sinha: Sir, I also draw the attention of the House to clause 10, sub-clause (b), which says:

"If the Registrar is satisfied that the certificate has been obtained by fraud or mistake, or that the Trade Union has ceased to exist or has wilfully and after notice from the Registrar contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any such provision, or has rescinded any rule providing for any matter provision for which is required by section 6."

Therefore, Sir, according to this clause 10, sub-clause (b), if the salary of any trade union official is raised in the middle of the year and the Registrar finds no justification for raising the salary to a certain amount, then the Registrar can not only prevent the raising of the salary, but can also disaffiliate and cancel the certificate of registration of that Trade Union. I therefore think this is a very dangerous provision, and I support my Honourable friend's motion that this part should be deleted.

The Honourable Sir Bhupendra Nath Mitra: Sir, as I have already said, the whole object of this provision was to impose a check in the interests of the members of the Trade Union on the executive voting for themselves any salary they like. (*Mr. M. A. Jinnah:* "How could they?") (*Mr. N. M. Joshi:* "As the Government of India raise their own salaries?")

Mr. President: Order, order.

The Honourable Sir Bhupendra Nath Mitra: As to what the Honourable Mr. Jinnah said, I do not say that we do not trust the Trade Unions; the Trade Unions must be trusted, but the object of this provision was to bring out specifically before the Trade Union that a change in scales of pay, etc., was being made, and to have a record of it in the Registrar's office. Thereafter the Trade Union can do as it likes in regard to alteration of the scales

of pay of its officers. The whole object of this provision was to safeguard the interests of the members of the Trade Union and to prevent the executive, the officers, voting any sums which they might desire to vote for themselves. (Mr. A. Rangaswami Iyengar: "Like the Government of India.")

Mr. M. A. Jinnah: Sir, may I ask under what provision of the Act which you now propose to pass the executive will be entitled to pass any amount they like for their own salaries. Such a thing would be perfectly illegal; it could not be done.

The Honourable Sir Bhupendra Nath Mitra: As there is no provision in the Act apart from this under which the executive can not vote for themselves any sums they like, I do not see how that will be illegal.

Mr. President: The question is:

"That in sub-clause (h) of clause 6 the words 'and the scales of salary, allowances and expenses to which they shall respectively be entitled' be omitted."

The motion was adopted.

Mr. N. M. Joshi: Sir, I move:

"That in sub-clause (i) of clause 6 the words 'in such manner as may be prescribed' be omitted."

Sir, it is quite right that the rules of a Trade Union should provide how its accounts should be audited. But I do not think that it is right for Government to make rules as to who should be the auditors of Trade Unions. Now, the word "prescribed" means prescribed by a Local Government. And I do not want that power of saying who should be the auditor of a Trade Union to be given to the Government. In the first place, although the English Trade Unions have now existed for a long time, they have no such rules about the appointment of auditors by the Government. The Trade Union appoints its own auditor and then it takes care of its money by appointing a good auditor. Why should you give power to Government to make rules as to who should be the auditor of a Trade Union? Of course it may be said that Government may not dictate what person should be the auditor, but that they will make rules that certain people who are called chartered accountants or certificated accountants or some such people should be the auditors. I do not want any such rule to be laid down in the law. The Trade Unions will certainly take care of their own money and they will certainly appoint good people. What is our experience? Our experience is that where Government make rules as regards the auditors in the case of companies, there we find defalcations and people being swindled. On the other hand take our Trade Unions as they exist to-day. We have no such rule; we appoint our own auditors and you will find that there is not this kind of swindling in the Trade Unions. The Trade Unions' work is going on very well without the auditors being appointed by the rules of Government. I therefore think, Sir, that we need not give any power to Government for making rules as regards the appointment of auditors. The practical difficulty is this. To-day we have got Unions in small places and their funds are not very large. If Government say that you must appoint a chartered accountant, the chartered accountant will charge a good deal in order to go to some small place where the Union is situated or the papers of the Union will have to be taken by some officer

[Mr. N. M. Joshi.]

of the Union to the chartered accountant, and a large fee will have to be given. I think, Sir, under the present circumstances this rule will create great difficulty for the Unions. I am the last person to take away any safeguard for the money of the Trade Unions; and my only object in proposing this amendment is that there should be no unnecessary difficulty created in the present circumstances to Trade Unions by making a rule that they should appoint as their auditor a person who is likely to charge a high fee for auditing the accounts of that Trade Union. The present funds of the Trade Unions are not large; and if you lay down that their rules must be translated into English by somebody who must be paid something, or that their accounts must be checked by somebody who will charge a large fee, the funds of the Trade Unions will be spent on the fees of these different people.

Pandit Shamlal Nehru: Why not fix the fee?

Mr. N. M. Joshi: Of course it may be the object of people who want all these rules that they do not want the Trade Unions to spend their money on strikes and such things: they would like to find out some methods of getting rid of the Unions' money by having their rules translated into English and the accounts being audited by chartered accountants who may charge large fees. I therefore feel that these words "in such manner as may be prescribed" should be deleted. I am quite agreeable that there should be a rule that the accounts of the Union should be audited by the auditor appointed by the Union itself.

***Diwan Bahadur M. Ramachandra Rao** (East-Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I regret that I cannot agree with my friend Mr. Joshi that at the outset the question of auditing the accounts should be left entirely to the Unions themselves.

Mr. N. M. Joshi: That is not what I said.

Diwan Bahadur M. Ramachandra Rao: That would be the effect of omitting the words.

Mr. N. M. Joshi: The auditors will be appointed by the Unions.

Diwan Bahadur M. Ramachandra Rao: That is what I object to. If these words are omitted, it would leave the whole question of auditing the accounts of the Unions to the Trade Unions themselves. I think, Sir, that considering the experience that one has in connection with the co-operative movements and the working of the Indian Companies Act, the question of an independent audit at the outset is very important, and I trust my Honourable friend Mr. Joshi will see his way to withdraw his amendment. It seems to me, Sir, that the one thing that will give confidence to the members of the Trade Unions themselves is a thorough and independent audit and under present circumstances it is the practice for Local Governments to fix the qualifications of auditors and leave the Unions or the co-operative societies or the companies, as the case may be, to choose out of the list of qualified auditors which Government have, anybody these companies or Unions or societies like to audit their accounts.

*Speech not corrected by the Honourable Member.

Now, as regards the complaint that the fees of these auditors may be too high, I am perfectly certain that when a proper representation is made to the Local Government or to the Government of India, a time may come when the fixing of fees will be found necessary if the auditors are charging too much. But in the present circumstances, I think, Sir, that for the welfare of the Unions themselves the question of audit should be left as it is under this Bill.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I am really surprised that my Honourable friend Mr. Joshi should have thought it fit to move an amendment of this sort. I expected, Sir, that Mr. Joshi with his enthusiasm for the welfare of Trade Unions should have thought it necessary that, especially in their infant stage, no rule can be too stringent which prescribes the manner in which the accounts are to be maintained and audited.

Mr. N. M. Joshi: Why not audit your own accounts?

Mr. R. K. Shanmukham Chetty: That is my own money.

Mr. N. M. Joshi: The money of the Trade Unions is their own.

Mr. R. K. Shanmukham Chetty: If my Honourable friend had waited till I had finished my speech, he would have discovered the difference between appointing an auditor for my own money and appointing an auditor for the Trade Unions. In Joint Stock Companies and Trade Unions the auditor is the agent of the shareholders or members. The auditor is appointed by the shareholders or members to check the accounts maintained by the executive. The provision made in this clause says that the annual audit must be conducted in such manner as may be prescribed by the Local Government. We know that in Joint Stock Companies the auditor is appointed in a meeting of the shareholders. That is a rule prescribed under the Indian Companies Act. Now, if no such provision is made here, there is nothing to prevent the executive of the Trade Unions themselves appointing any auditor they please. That means that you cannot have an auditor appointed by the members of the Trade Unions to audit and safeguard the funds of the Unions. Moreover, the auditor who is appointed for any company must certainly possess some qualifications, and he must command the confidence of the shareholders whose agent he is. It is, therefore, essential that Government must prescribe the rules under which the auditors must be appointed. I therefore, Sir, strongly oppose the amendment moved by my friend Mr. Joshi.

Mr. Devaki Prasad Sinha: Sir, the speeches of the two Honourable Members who have just preceded me have left an impression that the trade unionists are loath to get their accounts audited properly. Well, Sir, I desire to assure the House that that is not so. Any Trade Union would be delighted to have its accounts properly audited. What we object to in the clause as it is, is that the particular method prescribed for auditing the accounts, I mean the method by which the accounts should be audited, should not be prescribed by the Government. Sir, it has been said that it is necessary in the present stage to safeguard the funds of the Trade Unions. The funds of the Trade Unions belong to the members of the Unions just as the funds of my friend Mr. Chetty belong to himself, and I believe that my friend Mr. Chetty will agree that he is naturally more

[Mr. Devaki Prasad Sinha.]

anxious for the preservation of his own money than any other Member of this House. Therefore, Sir, in the natural course of things, you would expect that a member of a Trade Union, who has contributed to the fund of the Trade Union, is naturally more anxious for the proper expenses from that fund than anybody else, than even Mr. Chetty himself. It has been said, Sir, that Trade Unions do not properly spend their finances and at an initial stage of the development of trade unionism in India it is necessary for the Government to extend their paternal hand. Well, Sir, when provisions such as these have been incorporated in the Bill as placed before the House, I am reminded of a very old saying in our part of the country. The saying runs thus: "The woman who loves a child more than the child's own mother is surely a witch." Government probably think that they are more anxious for the interests of a Trade Union than members of the Trade Union themselves. If they show this unusual interest, we on our part are entitled to suspect this philanthropic and paternal attitude of the Government. I feel, Sir, that pin-pricks such as these given to Trade Unions will not go far to advance the development of trade unionism in India. For these reasons I support my friend Mr. Joshi's amendment.

The Honourable Sir Bhupendra Nath Mitra: Sir, I have no intention of adding to the volume of talk which has already taken place on this subject. The matter was very carefully examined in Select Committee and the decision was to allow the clause to stand for reasons which have already been set forth very fully and very ably by Diwan Bahadur Ramachandra Rao and Mr. Chetty. I was very glad to hear from my friend Mr. Joshi that his Trade Union does not find it necessary to have its accounts audited.

Mr. N. M. Joshi: I never said that.

The Honourable Sir Bhupendra Nath Mitra: I beg his pardon. . . . accounts audited by suitable auditors.

Mr. N. M. Joshi: Not "suitable". By Government auditors

The Honourable Sir Bhupendra Nath Mitra: . . . Auditors whose qualifications have been prescribed by Government. That is all that this law provides for.

Mr. N. M. Joshi: We do not want all this.

The Honourable Sir Bhupendra Nath Mitra: I was very glad to hear that. But I know of a number of cases of Trade Unions which unfortunately have lost their funds through embezzlement because their accounts had never been audited by, I would simply say, suitable auditors.

Mr. N. M. Joshi: How many companies have also lost?

Mr. President: The question is:

"That in sub-clause (i) of clause 6 the words 'in such manner as may be prescribed' be omitted."

The motion was negatived.

Mr. President: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clauses 7, 8, 9 and 10 were added to the Bill.

Mr. President: Clause 11.

Mr. Chaman Lall: I request your permission to move amendment 4 P.M. No. 23 before No. 22.

Mr. President: Has the Honourable Member any particular object in moving No. 23 first?

Mr. Chaman Lall: It is a question of appeal and revision. If the question of appeal is rejected then we can go back to the question of revision.

Mr. President: Has the Honourable Member in charge any objection to that course being adopted?

The Honourable Sir Bhupendra Nath Mitra: I have no objection.

Mr. Chaman Lall: I move:

"That to clause 11 the following sub-clause be added:

'(4) In the event of the dismissal of an appeal under sub-section (2) the person aggrieved shall have the right to appeal to the High Court.'"

Here we have stated that, wherever there is any person who is aggrieved by the refusal of the Registrar to register a Trade Union, he can proceed to the Judge whose powers have been defined under clause 11, and if that Judge rejects his appeal, then we want to make a provision that there shall be a further appeal to the High Court. There can be, in my opinion, no objection to adopting this course. A right of appeal ought to be allowed to Trade Unions whenever they feel aggrieved by the decision of any court as provided for by clause 11. The safeguard is very important in this that trade unionism is increasing at the present moment in this country and there are already signs that Trade Unions within the next few years will most probably reach immense proportions, and, if there are any internecine quarrels between one Union and another, or quarrels between the employer and the Union, or between the Registrar and the Union, you should not allow the affairs of that Union to be finally settled by the Judge or by the Court which you have provided under clause 11 but there should be a further appeal to the High Court in order to settle matters which may be of great moment to the Trade Union concerned as well as to the Trade Union world. In these circumstances I suggest that there could be no better course than to provide for a second appeal to the High Court if the appeal to the Judge as provided for by clause 11 is rejected. An appeal to the High Court under these circumstances would be the most satisfactory way out of the difficulty. Otherwise matters of great moment may be decided, and probably wrongly decided, and there would be no remedy whatsoever in the hands of the Trade Unions or trade unionists.

Mr. Devaki Prasad Sinha: In order to anticipate an objection which the Government might probably urge, I desire to mention that if this amendment of Mr. Chaman Lall is accepted it will also be necessary to move the deletion of the words "the order of the Judge shall be final and shall not be questioned in any Court" at the end of sub-clause (3) of clause 11. That will be a consequential amendment. If this amendment of Mr. Chaman Lall is carried, we shall ask the permission of the House to move the deletion of this portion of sub-clause (3).

The Honourable Sir Shyendra Nath Mitra: Sir, this again refers to a matter which was put in by the Select Committee after very careful consideration of arguments similar to those brought forward by Mr. Christian Hall. We had a number of distinguished lawyers on that Select Committee. I confess I myself am not a lawyer but this is the solution they devised and I know the reason why they devised it. They had allowed for a second appeal. In view of experience in similar matters in England they did not think it desirable, particularly at the early stage of the growth of Trade Unions, that the funds of the Union should be frittered away in unnecessary pursuit of litigation. I have nothing more to add to that subject. That being the position, on behalf of Government, I cannot accept the amendment.

***Mr. M. A. Jinnah:** Sir, I must confess that I was not present throughout in the Select Committee. First of all, with regard to this clause 11, I would draw the attention of the Honourable Member in charge to the fact that it is somewhat ambiguous; but apart from that the Honourable Member said that, if the appeal to the High Court is allowed, the Trade Union will never come into existence. But the Honourable Member forgot that the Trade Union can never come into existence unless it gets registered and, if the registration is refused, the only way in which it can come into existence is to appeal to the High Court. Therefore he is rather too solicitous in advance about the funds of the Trade Union. I find that according to the English law there is an appeal to the High Court (*An Honourable Member*: "Only one appeal.") That makes an important distinction.

Clause 11 says:

"Any person aggrieved by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal to such Judge, not below the grade of an additional or Assistant Judge of a principal Civil Court of original jurisdiction, as the Local Government may appoint in this behalf."

If the Registrar refuses registration, then it is open to the proposed Union to appeal, and it will be an appeal to a Judge of the status described here and he may be appointed only for the purpose of the particular case which arises. Therefore, the House will see that he would be a special officer probably appointed for that particular or special case and, if he goes wrong, his position in my judgment would not be very much better than that of the Registrar in England; and then there is no remedy. I really do think that it is a matter of very grave importance. It may become a matter of very grave importance to a proposed Union, and I think that there ought to be some safeguard which should enable them to go to a higher Court and establish their case.

***Lala Lajpat Rai:** I would suggest, Sir, that this section could be very much simplified by the Honourable Member in charge. At present it runs thus:

"Any person aggrieved* by any refusal of the Registrar to register a Trade Union or by the withdrawal or cancellation of a certificate of registration may, within such period as may be prescribed, appeal to such Judge, not below the grade of an additional or assistant Judge of a principal Civil Court of original jurisdiction, as the Local Government may appoint in this behalf."

*Speech not corrected by the Honourable Member.

I think that is perfectly necessary. Would the Honourable Member consider this suggestion? I am sorry that Mr. Chaman Lal has withdrawn all these amendments in a little bit of hurry.

An Honourable Member: They are formal ones. He has not.

Lala Lajpat Rai: I would have suggested that you could have fixed the principal Civil Court of original jurisdiction presided over by an officer not below the rank of District Judge of the district where the head office of the Trade Union is situated. That avoids the trouble of the Local Government selecting officers at all; there is no need in each case. A Trade Union has a head office, and the principal Civil Court presided over by a District Judge ought to be the Court where the appeal of the Registrar will lie ordinarily. It avoids the question coming up before the Local Government every time there is a dispute, and I think a definite provision in the Statute would be much better than leaving it every time to be determined by the Local Government in each case. I would point out that considering that the law of trade unions is a new law in this country and the District Judges or the Registrar may not be very well acquainted with that law and with all the implications and bearings of that law, I think it would be dangerous at the present stage to omit all reference to the High Court. But in case the District Judge decides it, I would support the proposal that an appeal may lie to the High Court because under the English law an appeal from the order of the Registrar lies direct to a High Court Judge who is certainly believed to be much more competent than any Court presided over by a subordinate officer, and that is satisfactory. There can be no further appeal against that, unless the appeal goes to the Privy Council, and therefore the decision of the High Court Judge is final. But here you are providing for an appeal to a lower Court, and having provided for an appeal to a lower Court, it stands to reason that you should provide for the further chance of the rejection—mind, that appeal also lies against the rejection to be registered; if it is accepted, then of course the case ends. If it is rejected, it is a question of life and death to the Trade Union or the members of that Union. I may remind Honourable Members also of the question of immunities, etc. If it remains an unregistered Union, it becomes very important that the Trade Union should seek a further remedy, and in that case I think you ought to make provision for a further appeal to the High Court. Therefore it stands to reason that, considering that you have altered the law from what it is in England and that in this country an appeal can lie in the ordinary Courts to a Judge subordinate to the High Court, you might as well accept this amendment and finish with it.

Pandit Motilal Nehru: Sir, in rising to support the amendment I wish to bring one or two considerations to the notice of my Honourable friends on the other side. The clause seems to me to be very loosely worded, and I am glad to hear that my friend, Mr. Jinnah was not present when it was considered in Select Committee. It seems to me that the word "appeal" in the clause is a misnomer. What the Judge has to do on the so-called "appeal" is to hold an inquiry, to call for evidence to satisfy himself as to whether registration has been refused on good and lawful grounds or not. Ordinarily, an appeal means, and is understood to mean, a decision by a higher Court on the materials which exist upon the record, and the power of taking additional evidence is only very rarely exercised in cases where evidence has been refused, but in this case we find that the Judge when

[Pandit Motilal Nehru.]

the matter is brought before him has to go into it as if he were a court of first instance and not a court of appeal. However, I do not quarrel with words. We may take it that application or appeal, whatever it is, to the Judge is from the order of the Registrar. But it is a mistake to say that an appeal from the order of the Judge would be a further appeal, because the first Court, the first judicial tribunal which is seized of the case and which goes into it on judicial evidence and by following judicial procedure, is the Judge, and therefore the only appeal that you are asked to allow by the amendment is a first appeal to the High Court. It is not a case of further appeal at all.

Then, the next consideration which I would lay before the House arises from the analogy furnished by the registration of ordinary deeds. A Registrar refuses the registration of a deed. On that the aggrieved party has the right to question that decision by a civil suit and that suit can be taken right up to the Privy Council as an ordinary regular suit. There is absolutely no limit or restriction on the right of appeal. Is there any reason why on an important matter like the registration of a Trade Union upon which depends the very existence of the Trade Union as such, this right should be curtailed and there should be no right even of first appeal? I call it first appeal as I have shown that it is not a further appeal. There is no reason why the right of first appeal should not be granted. I do appeal to the House to take this consideration into account and not withhold a right which is absolutely necessary in the ends of justice.

***Diwan Bahadur M. Ramachandra Rao:** Sir, I feel some difficulty in accepting the scheme as set out in this Bill for the registration of Trade Unions. In the first place, Sir, under clause 3 each Local Government is empowered to appoint a Registrar of Trade Unions. That means that for the whole province there will be one single officer. Take the Madras Presidency. Assuming that somebody wants to have a Union registered from Vizagapatam, if there is a single officer for the whole province, who naturally would be at the headquarters, it seems to me that the man would have to go all the way to Madras to get the Trade Union registered. I do not see anywhere in this Bill any power of delegation or the appointment of Assistant Registrars similar to that under the Co-operative Societies Act. That, Sir, is the first difficulty that I feel in regard to dealing with applications for registration.

Then, Sir, the next point is that there is to be an appeal to a Judge appointed by the Government to hear an appeal against the refusal of this Registrar. I am really unable to understand what is really intended by clause 11. I should like to know, Sir, from both the Honourable Member in charge and from the Honourable the Law Member what is the real intention of clause 11. Is it intended that in each case of refusal the Local Government is to be approached by the aggrieved party and the Local Government is to appoint a Judge by name to hear that appeal? That is what I gather from clause 11. If that is so, Sir, it seems to me that it would cause considerable inconvenience to those who have to register Trade Unions. The only way of getting out of this difficulty, if that is the meaning of the clause, will be to choose, as pointed out by

my friend Lala Lajpat Rai, the court of original jurisdiction, namely, the District Court, and everybody would know where to appeal in a case of a refusal. As it is, it seems to me that an aggrieved party will have to approach Government and say: "Here is an appeal that I wish to prefer; please appoint an officer to hear it." That is what I gather to be the meaning of clause 11. Is it so? What is the meaning of clause 11? As the clause is worded, it seems to me that that is the course that is suggested by it; and if that is the course, I take strong exception to this power of hearing appeals being vested in a special officer to be specially chosen for the purpose. The words "in this behalf" at the end of clause 11 lead one to the conclusion that what was intended was a Special Judge to hear the appeal in a particular case.

Mr. President: I have allowed the Honourable Member sufficient latitude to travel beyond the scope of the amendment but he knows that this is all irrelevant to the question before the House. The question before the House is whether there should be an appeal to the High Court or not.

Diwan Bahadur M. Ramachandra Rao: I am coming to that, Sir, I think, Sir, that if there is to be a District Court to hear this appeal, it will avoid all these difficulties. As pointed out by both my Honourable friends, I certainly support an appeal to the High Court unless my Honourable friends opposite adduce any satisfactory reasons against this interpretation of clause 11.

The Honourable Sir Bhupendra Nath Mitra: Sir, the intention so far as I am aware of sub-clause (1) of clause 11 was not that a Judge should be appointed by name in each particular place. But, as I have said, Sir, the whole of that clause was redrafted by Select Committee. In fact, the italics show that. In the Select Committee we had the assistance of a number of eminent lawyers, the President himself being one of them. I may also observe that in paragraph 4 of the report of the Select Committee it is specifically stated that by majority they decided that the decision of the Judge should be final. As Mr. Jinnah did not record a note of dissent, I must confess I did not fully understand his observation. However, that is another matter.

Mr. M. A. Jinnah: I am willing to change my views.

The Honourable Sir Bhupendra Nath Mitra: We would not have objected to accepting the amendment of Mr. Chaman Lall which stood as No. 18. He has unfortunately withdrawn that amendment and thus made the position somewhat difficult. If my friend, Lala Lajpat Rai, will now give us a formula of words on the lines which he indicated, we will be willing to accept that and not press that no notice of the amendment was given.

***Lala Lajpat Rai:** Amendments Nos. 19 and 20 are just consequential changes and amendment No. 18 is the principal amendment. If the Government accept this, I think it would be a very simple procedure. Of course, amendments Nos. 22 and 23 are separate. But amendments Nos. 18, 19 and 20 stand together. Amendments Nos. 19 and 20 are only consequential on the acceptance of amendment No. 18 and so is amendment

***Speech not corrected by the Honourable Member.**

[Lala Lajpat Rai.]

No. 21. Of course, amendments Nos. 20 and 28 stand on their merits. That is a different thing. If the House permits me, I will propose those amendments.

Mr. President: Until the amendment now under consideration is disposed of, I cannot allow other amendments to be moved. If by mutual understanding this amendment is disposed of in some manner, and if it is the desire of the House that other amendments should be allowed, I shall not stand in the way.

Mr. Ohan Lal: Amendment No. 23 has not yet been disposed of. May I take it that the question is now open to the House and that we can go back to the other amendments which have not been dropped.

Mr. President: If this amendment is dropped, then other amendments are possible. I do not know whether other amendments suggested by Lala Lajpat Rai are possible if this amendment is carried.

Mr. Devaki Prasad Sinha: May I ask the Honourable Sir Bhupendra Nath Mitra if he wants us to drop amendment No. 23 and to adopt amendments Nos. 18 to 21 in the alternative.

The Honourable Sir Bhupendra Nath Mitra: I think my friend Lala Lajpat Rai wanted them to be adopted as an alternative.

Lala Lajpat Rai: I would insist on the right of appeal and not as an alternative.

The Honourable Mr. S. R. Das: Will he insist on a right of appeal to the High Court itself? So far as Bombay, Calcutta and Madras are concerned, the appeal would lie to the High Court.

Lala Lajpat Rai: But there are other provinces also

The Honourable Mr. S. R. Das: So far as the High Courts are concerned, you do not want an appeal.

(Lala Lajpat Rai did not resume his seat.)

Mr. President: Will one of the Honourable Members please resume his seat?

The Honourable Mr. S. R. Das: I only want to find out from my Honourable friend there whether he wants a second appeal from the High Court or only in cases heard by a District Judge.

Lala Lajpat Rai: Only from the District Judge's orders

***Mr. M. A. Jinnah:** In Bombay the first appeal would lie to the High Court, therefore you want an appeal against the decision of the High Court. I would certainly ask the Government to keep the scheme in your clause 11 as it is, rather than mutilate it and allow appeals to the High Court. The decisions of the special officer should not be final, but there should be a right of appeal to the High Court.

*Speech not corrected by the Honourable Member.

Mr. President: The only course open to the Chair is to put the amendment. The question is:

"That to clause 11, the following sub-clause be added:

'(4) In the event of the dismissal of an appeal under sub-section (2) the person aggrieved shall have the right to appeal to the High Court.'

The motion was adopted.

Mr. Devaki Prasad Sinha: I now move as a consequential amendment:

"That the following words in sub-clause (3) of clause 11 be omitted:

'The order of the Judge shall be final and shall not be questioned in any Court.'

Mr. President: I must be satisfied that it is really a consequential amendment, before I allow permission to the Honourable Member to move it. Does the Member in charge agree?

Mr. Devaki Prasad Sinha: That follows. I have nothing to say except that it is a consequential amendment. I beg to move:

"That the following words occurring in sub-clause (3) to clause 11 be omitted:

'The order of the Judge shall be final and shall not be questioned in any Court.'

This is to make new sub-clause (4) effective.

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clauses 12, 13 and 14 were added to the Bill.

Mr. President: The motion is:

"That clause 15 do stand part of the Bill."

Mr. N. M. Joshi: Sir, I do not move my amendment* No. 24, in view of the fact that my amendment regarding "benefits" was withdrawn. I will move my amendment No. 25. I move:

"That in sub-clause (d) of clause 15, the words 'on behalf of the Trade Union or any member thereof' be omitted."

The object of the amendment is this, that the funds of a Trade Union should be spent not only for the conduct of a trade dispute on behalf of that Union or the members thereof, but should be spent for the conduct of any trade dispute. Sir, if organised labour is to succeed at all it will succeed by standing together. If the Unions stand apart they will never succeed, and if you prevent one Union spending its money for the benefit of other workers who may be unorganised, then that Union will not be able to achieve its object. It is therefore necessary that a Trade Union should be able to spend its money for trade disputes for organised or unorganised workers in this country or out of this country. The Honourable Member in charge of Industries and Labour, said in the morning in the very beginning that, if certain changes were made, Government would reconsider their position. I cannot hold out that threat, not having a large number of Members at my beck and call, but I say this. if you do not allow members to spend their money for trade disputes on unorganised labour, at least you will not get my vote for this Bill and you will not get any Union in which I am interested or which will listen to my advice to get itself registered. It is

*"That clause 15 be omitted and the subsequent clauses renumbered."

[Mr. N. M. Joshi.]

therefore, absolutely necessary that these words "on behalf of the Trade Union or any member thereof" should be omitted. Sir, a trade dispute is not undertaken by workers very light-heartedly. They do it simply because they find it absolutely necessary, and when they find there is no other remedy to achieve what they want except by going on strike, they go on strike. They do not want these strikes to be repeated very often. Of course the employers would like to have strikes take place often and the money of the Unions to be exhausted, but the workers do not want to have strikes very often. They want to fight a strike at a time when they will succeed and in a manner in which they will succeed. Therefore, if the workers go on strike, it is absolutely necessary that they should succeed. If one Union goes on strike and it wants to succeed, it will be necessary for it to get funds from outside. As a matter of fact funds are being sent from one Union to another to fight strikes. Labour all over the world has realised its solidarity, and it is to the interest of labour not only that it should stand together; but even if labour does not realise its solidarity and oneness, still it is in the selfish interest of one part of labour to help another part of labour. I will give you an instance. Recently when we had a strike in Bombay we got money for the strike from England, Europe. (*An Honourable Member*: "Russia") Russia also. I am not afraid of saying so I got a good deal of money from Russia and I am not ashamed of it. We got this money simply because the European workers have realised that labour all over the world must stand together. Not only that but they have realised that it is to their own selfish interest to help unorganised labour going on strike in other countries. They know this much, that if their wages are not to be lowered, they must see that wages in other countries are not lowered. It paid English labour to help us in our strike. If the wages of textile workers in Bombay had gone down wages in Lancashire would also have gone down. Therefore, it was absolutely in the interests of English Unions to send us money to conduct our strike and see that our wages were not reduced. Take the case of Ahmedabad and Bombay. Sometimes it may happen that there is a strike in Ahmedabad. It may pay Bombay workers to help the workers in Ahmedabad and save some money ultimately, because if the workers in Ahmedabad are beaten, another time the workers in Bombay may be beaten. Therefore, the workers want to fight together. They do not like this restriction that their money should be spent only for their strike. If a Trade Union finds that it will be to its interest to help another Union to fight their employers, the Union should be free to do it. And, moreover if you once decide that the Union should spend its money only for its own strikes, you create divisions among the working classes, whereas it is necessary for the working classes to stand together always. Government have already created divisions and I am quite sure the politicians in this House know the effect of those divisions. I warn the politicians here who may not have yet realised how divisions may be created among the working classes by this clause not to do this thing. If a Union wants to spend its money, its whole money even, for helping some other workers—they may be unorganised workers—it should be allowed to do so.

I hope my amendment will be carried by this House. If my amendment is not carried, I do not wish to hold out a threat, but I will make it very clear that if you do not allow a Union to help unorganised workers in their struggle you will not get my vote for this Bill.

The Honourable Sir Bhupendra Nath Mitra: Sir, I have listened to all that my Honourable friend Mr. Joshi said with great interest. The position is this, Sir, in regard to other Unions if they are registered. The Bill itself provides for the payment from one registered Union to another of contributions for the furtherance of any of the objects on which the general funds of the former Trade Union may be spent. So that meets the case of other registered Trade Unions. We are then left with non-registered Trade Unions. (Mr. N. M. Joshi: "Or without Trade Unions!") And here, Sir, I should like to take objection on a point of order. I have referred to it already in my speech. The Bill before this House is a Bill "to provide for the registration of Trade Unions and in certain respects to define the law relating to Trade Unions in British India". There is nothing here to provide benefits for non-registered Unions, and that being so I cannot agree to that particular amendment.

Mr. N. M. Joshi: As regards this point of order, I cannot understand it

Mr. President: The Honourable Member is very ingenious, but I am afraid the objection raised by him does not fit in at this particular place. The Bill is to define the law relating to Registered Trade Unions. This particular clause gives power to those unions to spend their funds on certain defined objects. The Honourable Member from Bombay seeks by his amendment to enable the registered Trade Unions to spend their funds on certain other objects also—this he is entitled to do. The amendment is quite legitimate and within the scope of the Bill. If the Honourable Member wishes to say anything on the merits of the amendment, he might continue.

The Honourable Sir Bhupendra Nath Mitra: I am sorry, Sir, that I had made a mistake; and I shall now deal with the merits of the proposal. Looking to the merits of the case, is it right that these registered Trade Unions should be allowed to spend their funds in this particular manner, specially at the outset of their institution? From what I have seen of Trade Unions in this country their finances are not in a particularly favourable position, and I should have thought that in a case of this sort charity should begin at home, that is, a registered Trade Union should confine its activities to defending the interests of its own members and to promoting the welfare of its members, instead of trying to fritter away its money in various other directions. As a matter of fact this was one of the points which came before the Select Committee and to meet certain payments out of the funds of a registered Trade Union on objects not directly concerning the members of that trade union they made one or two amendments to it. I should think that that is the utmost to which it is desirable that we should go at present. If of course Trade Unions should develop considerably, and their funds should grow, there will not be slightest objection to one of my Honourable friends opposite bringing forward an amendment like this.

Mr. Ohaman Lal: Sir, I have not discovered anything that the Honourable Member has said which really meets the objection raised by my Honourable colleague, Mr. Joshi. The point that Mr. Joshi has made is perfectly clear and the point is this: that in trade union matters, whenever a Trade Union is fighting for its existence, it is necessary for it to support every kind of labour dispute which is connected with it. If

[Mr. Chaman Lall.]

does not necessarily mean that it should be confined to the support of those Trade Unions only which are registered under the Bill. There are a large number of industries in India where you do not find any Union at all; and usually our experience has been that strikes have preceded the formation of Unions. Are we to be precluded from helping these people merely because they do not happen to have any Union or any registered Union? I see no object whatsoever in tying down the hands of these Trade Unions in this fashion. Further the Honourable Member has displayed a great deal of keenness about safeguarding the finances of Trade Unions in this country. But he does not realise that it is part of the strategy of trade unionism in this country to support workers wherever they may be, who are struggling for their existence, because trade unionists realise that by complete unity and unity alone they can succeed. The unity that we wish to create is the unity of workers all over India forming themselves into one vast big Union which shall comprise workers of all grades, all castes and all creeds. In a movement like this you cannot divide workers into water-tight compartments as you are trying to do by this Bill. Again wherever you find a Trade Union going on strike or workers going on strike it is to the interest of other workers to go to their assistance every time. When the Bombay workers went out on strike, my friend, Mr. Joshi has informed the House that even Russian trade unionists sent ten thousand roubles for the assistance of these workers. The money was gladly accepted, it was openly accepted, it will be accepted again if a contingency of this sort arises. British trade unionists realised the importance of that strike, and they sent a large sum of money for the assistance of the Bombay workers. Are we to be precluded in a case of this sort, if there is a strike abroad or in India, from helping Trade Unions merely because they do not happen to come under the category laid down by the Honourable Member in his Bill, that is to say, they do not happen to be registered Unions? I see no logical reasoning whatsoever in confining the trade unionists in this particular fashion under this Bill. I appeal to the House to consider that the trade union movement is not merely a movement for the creation of insurance societies, but that it is a movement with an ideal and with an objective. That ideal and that objective know no confinement of any sort. This movement embraces workers throughout India of all kinds and its principal object is to give sustenance and support to workers who may be in trouble in every way that we can.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I should just like to say one or two words with reference to what has fallen from my Honourable friend opposite. In the first place, in the beginning of his speech he referred to connected trades, and I thought he was going to argue that it would be reasonable to allow these funds to be spent on Trade Unions or unregistered Unions which may be either in the same trade or connected trades. Thereafter he went on the general lines of the solidarity of labour. Now, I would ask the House to consider whether there is very much in this. This restrictive clause, of which so much point has been made, deals with the use of the Trade Union funds. I quite see Mr. Joshi's point that Trade Unions may, in their personal interest, have to stand or fall with other labour at times. But what is there in this clause which prevents any Trade Union from sending their

hat round and saying "We wish to have a levy; we want you to give half a crown a head" for helping the furniture makers say in Japan? There is nothing in the Bill which prevents any Trade Union from doing it. All that the Bill says is that you shall not use the funds that have already been accumulated for that purpose, and therefore on these grounds I would ask the House to pause before it carries the amendment.

***Lala Lajpat Rai:** Sir, the amendment proposed by my friend Mr. Joshi involves a very important question of principle, and I wish the House to give proper attention to it. We are being told every day by British statesmen and British journalists that the conditions of labour in this country are so miserable and disgraceful that certain political consequences follow upon them. The Trade Unions aim at improving those conditions of labour by their own power and by their own organization, and labour organization in this country is, as has been said several times even in the minutes of dissent, in its infancy, at least in its modern shape. Under those conditions I think it is absolutely essential for the existence and development of labour organization in this country that no restrictions shall be placed upon its power to spend its funds in furtherance of the objects of labour. I can quite understand an apprehension that the funds of the Trade Unions might be spent for political objects, but I would draw the attention of the Honourable Member to the fact that the words used in this clause are "trade disputes" and there can be absolutely no fear of any funds under this clause, at any rate, being spent for the furtherance of political objects. Sir, as my friend has already pointed out, it is becoming a question almost every year, almost every day, in fact almost every utterance made by labour leaders shows, that labour must stand or fall together, and that labour is one all over the world. Well, if it is not one all over the world, at any rate it is one in India, and labour must endeavour to stand or fall together in its essential principles. If this Bill seeks to provide that no registered Union can spend any part of its funds in the furtherance of the objects of labour, I submit that it will be hampering the development of the Trade Unions, and it is worth considering whether on the labour side we ought to have this Bill. I do not think it would be worth while, if the funds of the Trade Unions cannot be spent in furthering the objects of labour organization. I can understand the Honourable Member making any restrictions he likes to prevent Trade Unions from using the funds for political objects, but this clause only refers to trade disputes. I can also understand if any restrictions were placed on Trade Unions to prevent them from spending money on general objects. The Honourable Member has said that there is nothing to prevent a Trade Union from making a fresh levy at any time when it wants help.

We do not know what the rules for registered Trade Unions might be hereafter. Perhaps those rules might provide that whenever a Trade Union makes a levy it will be considered part of the Trade Union fund and will be governed by this Bill. We are entirely ignorant about that. Therefore we cannot make any proposal that Trade Unions shall have no power to make any levy for the general objects of labour under this Bill. I would therefore earnestly ask the House to consider this question which is of very great importance to labour. I quite agree with Mr. Joshi that some power should be given under this clause for Trade

*Speech not corrected by the Honourable Member.

[Lala Lajpat Rai.]

Union funds—at least a portion, if not the whole of it; you can limit the portion—to be spent on the furtherance of the general objects of labour. What I want to draw the attention of the Honourable Member to is that there is not likely to be any chance of the funds of the Trade Union being spent in furtherance of any political object, because the amendment specifies trade disputes without restriction—trade disputes whether initiated by registered Trade Unions or not so long as the furtherance of the object is merely a trade dispute. I would, therefore, urge upon the House to consider the matter in this light. The refusal of this amendment will practically involve the consideration of the question whether this Bill is going to further the cause of labour. I believe in all earnestness that Government want to further the cause of labour and to provide them with facilities and opportunities to organise themselves and to improve their condition. If the Government really want to do that, as we have been told they want to by British statesmen and British journalists, then we beg of you not to hamper the development of the labour movement in this country by placing such restrictions on their powers of utilising their funds and advancing the cause of labour. This amendment is not a very ordinary amendment. It is an amendment which goes to the root of the whole question. The object of this legislation is to further the cause of labour, to develop Trade Unions, to let them organise with the object of making themselves strong, and to fight their own battles against capital or anybody else who may interfere with their rights. They can only be strong if they stand together. They cannot be strong if a division of this kind is allowed to be brought in to the effect that the funds of a registered Trade Union can only be applied either for the purposes of that Trade Union or of any other registered Trade Union. I therefore consider that this amendment is of very vital importance. It involves a question of principle and I hope that this House will not treat it lightly as a verbal amendment in the way in which some other amendments have been treated. It is not a verbal amendment. It involves a question of great principle and I would beg the House to think well before they vote on this matter.

Mr. W. S. J. Willson: Sir, if I were an enemy, opposed seriously to trade unionism, I should say let this amendment stand, because anybody opposed to trade unionism must see that the best course would be to give them every possible opportunity of disbursing their funds and breaking themselves up. But, Sir, that is not the view I take at all. We have to consider that this is the first Trade Union Bill to be passed in India, and it would be a very great pity to plunge India into fully fledged trade unionism at one single and solitary jump. Members of this Assembly are not perhaps aware exactly how far trade unionism can go and no doubt eventually will go in this country. Mr. Joshi tells us that Russia gives him money and other things. Is that money given by Russia for love of your workers, or is it given with the express purpose of tying up the trade of your country in order that it may be diverted to them? My suggestion and my belief is that the money is sent into your country in order to tie up your industries. Consider it again from the public point of view. Trade Unions will not, I think, be able to succeed in this country if public opinion is against them and sets itself against them from the very start.

Let us by all means go slowly. The amendment seeks to give additional powers beyond what are prescribed in the Bill. You can at any time

give those powers in the future if you wish, but if you go so far as to give them now, it would be extremely difficult for you at any future date to withdraw them.

My Chambers took the view that some provision ought to have been made in this Bill for the protection of public utility companies. You are all in this House at the mercy of the public utility companies, and if you confer upon your Trades Unions to-day the right to hold up the whole of your public utility services. . . .

Lala Lajpat Rai: I rise to a point of order. Is that relevant to the discussion on this particular amendment?

Mr. President: I am allowing the Honourable Member to proceed with a view to find out how far he is relevant.

Mr. W. S. J. Willson: If you allow your labour to hold up your public utility services, you have not got and cannot develop in this country for some years yet a very useful system they have in England by which members of the public themselves take on the distribution of supplies. I submit that my remarks are relevant because if you make this clause too wide, you may be astounded to find one of these days that your public utility companies are held up and that you have been responsible for that by your action to-day. With these words I oppose the amendment.

Mr. R. K. Shanmukham Chetty: My Honourable friend, Mr. Willson, pointed out that he was of opinion that this amendment could be supported by an enemy of trade unionism. I would give him a homely instance.

Mr. W. S. J. Willson: That is not exactly what I have said.

Mr. R. K. Shanmukham Chetty: That is not exactly what you have said. You said that if you do not want trade unionism to flourish in India you would support the amendment.

Mr. W. S. J. Willson: I did not say I would; I said another one would.

Mr. R. K. Shanmukham Chetty: Sir, if the house adjoining my Honourable friend, Mr. Willson's house took fire, surely it would be to the interest of my Honourable friend to see that that fire was quenched. When he goes out to quench the fire in his neighbour's house, he does so not merely because he loves his neighbour but because he knows that, to protect his own house, he must quench his neighbour's fire. That is exactly the position of Trade Unions. My Honourable friend, Mr. Willson, asked Mr. Joshi what prompted the trade unionists in Russia to send money to the Trade Unions in India. Is it because they love the Indian labourer? I say the labourers in Russia send money to the labourers in India whenever they are in trouble not merely because they love the labourers in India but because they love themselves. Sir, the labourer in Russia and the labourer in India are not so simple-minded as my Honourable friend Mr. Willson takes them to be. The labourer in India and the labourer in Russia know that labour conditions and wages in one country are bound to affect labour conditions and wages in other country. The labourer in Russia knows that if the wages in India go down considerably, it is bound in time to affect his own wages. Sir, Labour Unions throughout the world have been trying

[Mr. R. K. Shammukham Chetty.]

to bring about a world federation as it were of labour, not in pursuit of an impracticable ideal but merely for the purpose of self-preservation. If a Labour Union is to preserve itself, if it is to avoid trouble for itself in future, it may be necessary, as my Honourable friend Mr. Joshi pointed out, that that Labour Union should go and help another Labour Union to maintain a certain standard of wage. In such a case it will do no good for this Labour Union to say "We cannot go to the support of the other Union because that has not been registered under this Bill".

Sir, this amendment of my friend, Mr. Joshi, goes to the very root of the whole matter. It is a question of life and death for the labourers.

5 P.M. If Trade Unions are not permitted to spend their funds in helping other Trade Unions when they are in trouble, whether those unions are registered or not, it will certainly defeat one of the fundamental objects of the Trade Union. I would therefore appeal to this House to consider this aspect of the question and realise that if Trade Unions demand that this amendment of Mr. Joshi ought to be incorporated, it is not because they are desirous of squandering their funds but because this amendment is essential for their preservation and self-protection. I do hope, Sir, the House will accept the amendment.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I always have sympathy with my labour friends. I am a labourer myself and I often mix with labourers. And being a bogus capitalist, I often have to control labour also. I have to do with skilled and unskilled labour in large numbers and I know what they want; but I am sorry I have no sympathy with Mr. Joshi's amendment. I listened to the very eloquent speech of Lala Lajpat Rai but I cannot agree with him. I agree with much of what Mr. Willson said to-day. It is seldom I agree with my Honourable friend, Mr. Willson. I agreed with him once before and that was on the Rupee Tender question. This is the second occasion.

You are passing a Trade Union Bill. You are not giving to labour the full government of India or the full government of the world. Everybody knows about secret party funds.

Mr. N. M. Joshi: Have you got party funds for your Independent Party?

Mr. B. Das: We will have funds if occasion needs it. When you talk of Parliamentary institutions in England everybody knows that every party has funds. Even the Labour Party of England, to which Mr. Joshi and my friend, Mr. Chaman Lal, owe allegiance, has party funds.

Mr. N. M. Joshi: Their funds are open funds.

Mr. B. Das: It may be so, Sir. But I have never seen the publication of their accounts. If the funds of the Union are left to the control of the Executive, what little funds they have will be transferred to the headquarters for a cause with which they may not have any sympathy. I work for some portion of my time in Bombay and I have seen funds diverted and wasted by so-called labour leaders who have no knowledge of

labour at all and who are not in sympathy with labour. If Mr. Joshi wants this to be introduced, he can do that after a year or two, when he can bring in an amending Bill. That will be the proper occasion for it.

My friend, Mr. Chaman Lall, talks of the federation of labour. It may be nice and tall talk but you cannot have a labour federation at present and how many of you here belong to the Labour Party in this Assembly? Not more than half a dozen. (*An Honourable Member*: "I suppose you are one.") Yes, I am a labourer myself. (*Mr. Kumar Shankar Ray*: "Exploiting labour.") Everybody is exploiting. My friend Mr. Kumar Shankar Ray is also exploiting his clients by practising in court. I live by the sweat of my brow, working as an engineer. Lala Lajpat Rai has with his eloquence appealed to this House. I also appeal to the leaders of labour in this House not to be in haste because you will commit mistakes in haste.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I fear that the discussion on this small amendment during the past few minutes has been rather too general. I may say of course at the very outset that I have the greatest sympathy for the cause of labour in general and therefore I wholeheartedly support the ideas that have been put forward by Lala Lajpat Rai and other friends. But at the same time if you will permit me, I may draw the attention of this House to what I may call the structure of this clause 15. Sub-clauses (a) to (h) of this clause deal with the payments of the funds in respect of various objects in which the members of the Trade Union themselves are particularly concerned. It is in sub-clauses (i), (j) and (k) that we come to the funds of the Trade Union with respect to the cause of labour in general, and therefore I would suggest that the proper place where we should introduce this general object, that the members of one Trade Union should be at liberty to spend their funds in order to help the cause of labour in general, will come rather later and not with respect to sub-clause (d). Clause (d) is concerned with the conduct of trade disputes concerning a Trade Union or any members thereof in the first instance and it is provided that the funds of the Union concerned shall be rightly and lawfully expended on this particular object. I would suggest that in (j), dealing with the payment of funds in furtherance of other objects, which was added to in the Select Committee with a view to provide for some such purpose as that which is now being drawn prominent attention to by my friends there,—it is rather there that the alteration should come in, and there Mr. Joshi I find has got in fact a very very wide and all-embracing amendment that funds should be expended on any cause intended to benefit workmen in general; it is there rightly and legitimately that this idea will have to be incorporated. Here in sub-clause (d) we are concerned with the conduct of trade disputes in which the members of a particular Trade Union are concerned. It is perfectly right and legitimate that that should stand as it is. Therefore I would suggest to my friends to leave this sub-clause as it is; but when they come to sub-clause (j), dealing with payments in furtherance of other objects on which the general funds of the Trade Unions may be spent, such as contributions to the funds of other, registered or unregistered Trade Unions or to the cause of labour in general, it is there that rightly and appropriately we can take up this question. I therefore say, Sir, that sub-clause (d) should stand as it is,

[Mr. M. K. Acharya.]

and when I say so I do not for a moment wish it to be understood that I lack in sympathy for the cause of labour in general. I have as great sympathy for labour in general as any of my other friends there have, and therefore I would beg of the House to leave the sub-clause as it is; and when we come to sub-clause (j) to see how it can be amplified so as to make it possible for members of one Trade Union to help the cause of labour in general, or other Trade Unions, registered, unregistered, formed or unformed, and all that kind of thing. Therefore I suggest that this sub-clause should be left as it is.

***Diwan Bahadur M. Ramachandra Rao:** Sir, I agree with my Honourable friend, Mr. Acharya, that the proper place where this question can be dealt with would be in sub-clause (j). It seems to me, Sir, that so far as sub-clause (d) is concerned, the conduct of trade disputes on behalf of a Trade Union or any member thereof is a specific object to which the funds of a Trade Union can be devoted, and that must be specially provided for as it has been provided for in this sub-clause, that is, that these funds can be spent on any trade disputes between officers of a Trade Union or any member thereof. It is perfectly true, as has been pointed out by Lala Lajpat Rai, that there are cases where one Trade Union will have to go to the help of another Trade Union. Referring again to the analogy of co-operative societies, they have rules in co-operative societies by which a portion of the profits of the year are devoted to any object of general utility which the members may think desirable. They are specially provided for by the rules of co-operative societies. In the same way it is quite possible to provide here that a certain definite portion of the funds of a Trade Union may be devoted to other purposes similar in object, and the place where that can be dealt with will be in sub-clause (j). Sub-clause (j) already says:

"the payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to the general funds of any other registered Trade Union."

There is a provision already there empowering one Trade Union by way of contributions to help another Trade Union and, if any amplification is required or any definite proportion is to be set apart, that can be attempted under (j). I would therefore ask my friend Mr. Joshi to consider whether it is necessary to press his amendment under sub-clause (d) of clause 15. This clause specially provides that the funds of Trade Unions can be devoted for the fighting of any trade disputes on behalf of the Trade Union or any member thereof. It seems to me that there is much more to be gained by retaining than by deleting the words as proposed by my friend.

Lala Lajpat Rai: May I know if the Member in charge will accept this principle?

The Honourable Sir Bhupendra Nath Mitra: I did not catch, Sir, what the position was. All that my friend Diwan Bahadur Ramachandra Rao suggested was that this particular matter might be taken up for consideration at a later stage. I can not possibly commit myself to its acceptance at that stage until I have heard what Mr. Joshi has got to say on that particular amendment,* but it will certainly receive my careful consideration when we come to it.

*Speech not corrected by the Honourable Member.

Mr. A. Rangaswami Iyengar: All that has to be said has already been said on that point.

Mr. President: The question is:

"In sub-clause (d) of clause 15 the words 'on behalf of the Trade Union or any member thereof' be omitted."

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 26th January, 1926.

LEGISLATIVE ASSEMBLY.

Tuesday, 26th January, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS

PROVIDENT FUND AND GUARANTEE CONTRIBUTIONS BY THE CURRENCY OFFICE STAFF.

177. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the Government reply to starred question No. 987 asked in the meeting of the Legislative Assembly held on 16th September, 1925, regarding Provident Fund and guarantee contributions by the Currency Office staff,

(a) Will Government please state if they have arrived at a decision?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir Basil Blackett: The question is still under consideration.

CREATION OF ADVISORY COMMITTEES ON THE BENGAL NAGPUR RAILWAY.

178. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the Government reply to starred question No 988 (a) and (b) asked in the meeting of the Legislative Assembly held on 16th September, 1925,

(a) Will Government please state if they have received the reply expected from the Railway Administration?

(b) If they have, will they please communicate it to the House?

Mr. G. G. Sim: (a) and (b). Yes. Steps are being taken by the Bengal Nagpur Railway to create Advisory Committees at Nagpur, Adra, Calcutta and Vizagapatam.

DUTY ON LOGS IMPORTED FOR MANUFACTURING MATCH STICKS.

179. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to supplementary question to starred question No. 991 asked in the meeting of the Legislative Assembly held on 16th September, 1925, will Government please state if they propose to put a heavier duty on logs imported for the purpose of manufacturing match sticks?

The Honourable Sir Charles Innes: I have nothing to add to the answer given to question No. 991 asked by Mr. B. Das on the 16th September last.

**OFFER OF SUITABLE EMPLOYMENT TO DR. EDIBAM, AN EX-FELLOW OF THE
ROCHESTER FOUNDATION.**

180. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government replies to starred question No. 923 and the supplementary question to it, asked in the meeting of the Legislative Assembly held on 15th September, 1925, will Government please state:

(i) whether they have received replies from all or any of the Local Governments who were asked whether any of them could offer Dr. Edibam a suitable appointment?

(ii) whether Dr. Edibam has got any appointment, so far?

(b) If the answer to (a) (ii) be in the negative will Government please lay on the table a copy of the representation they have received from Dr. Edibam?

Mr. J. W. Bhore: (a) (i) Replies have been received from some Local Governments, in which they regret that they cannot find suitable employment for Dr. Edibam.

(a) (ii). So far as the Government of India are aware, he is still holding a post in the Central Provinces provincial medical cadre.

(b) The Government of India do not think that any useful purpose would be served by laying on the table Dr. Edibam's representation to the Government of the Central Provinces, of which they have received a copy.

**CRIMINAL CASES INSTITUTED BY NANDRAM OF HAZARA AGAINST MR
MUFTI MUHAMMAD YAKUB KHAN, BARRISTER, AND OTHERS.**

181. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 928 asked in the meeting of the Legislative Assembly held on 15th September, 1925, will Government please state if they have received a reply from the North-West Frontier authorities?

(b) If so, will they please communicate the reply to the House?

Sir Denys Bray: I would refer the Honourable Member to the statements I laid on the table on the 21st January, 1926

**RESOLUTIONS OF THE ALL-INDIA POSTAL AND RAILWAY MAIL SERVICE
UNION.**

182. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question No. 934, asked in the meeting of the Legislative Assembly held on 15th September, 1925, regarding the resolution of the All-India Postal and Railway Mail Service Union, will Government please state if they have arrived at a decision with regard to the resolutions that were under their consideration on the subject referred to in their reply?

The Honourable Sir Bhupendra Nath Mitra: I shall make a statement on the subject later on during this Session of the Assembly and before the Budget of the Indian Postal and Telegraph Department comes up for discussion.

CASE OF ARUN CHANDRA GUHA, A STATE PRISONER IN BENGAL.

183. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to starred question No. 989 asked in the meeting of the Legislative Assembly held on 15th September, 1926, regarding the case of Arun Chandra Guha, a State prisoner in Bengal, will Government please state, if the information is now available?

(b) If so, will they please communicate it to the House?

The Honourable Sir Alexander Muddiman: A reply to his question was communicated to Mr. Chanda on the 9th November last. A copy will be found in the Member's Library.

ESTABLISHMENT OF A RATES TRIBUNAL.

184. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to the Government reply to starred question No. 964 (a) and (b) asked in the meeting of the Legislative Assembly held on 15th September, 1925, will Government please state if the inquiry has been completed?

(b) If completed, will they please communicate the result to the House?

The Honourable Sir Charles Innes: (a) The reply is in the affirmative.

(b) It is proposed to withdraw with effect from 1st April, 1926, the permission granted to the Bengal Nagpur and Madras and Southern Mahratta Railways to quote rates below the minimum in certain cases.

MANAGEMENT OF THE IMPERIAL BANK OF INDIA.

185. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the Government reply to the supplementary question of Mr. Chaman Lall to the starred questions Nos. 974 to 977 asked in the meeting of the Legislative Assembly held on 15th September, 1925, will Government please state whether the Imperial Bank is a purely private concern and whether the Government of India and the people have no voice in the management of the Bank?

The Honourable Sir Basil Blackett: The Honourable Member is referred to my reply to Mr. Gaya Prasad Singh's question No. 92.

QUALIFICATIONS OF STUDENTS OF THE ELECTRICAL DEPARTMENT OF THE INDIAN INSTITUTE OF SCIENCE.

186. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the Government reply to the second supplementary question to starred question No. 818 asked in the meeting of the Legislative Assembly held on the 14th September, 1925, will Government please state if they are aware that students of the Electrical Department of the Indian Institute of Science are regarded by the Institute of Electrical Engineers in England as equal in qualifications to students who have been trained in England and who are A.M.I.E.E.?

The Honourable Sir Bhupendra Nath Mitra: Government understand that the students of the Electrical Department of the Indian Institute of Science are not regarded by the Institute of Electrical Engineers in England as equal in qualifications to students who have been trained in England and who are A.M.I.E.E.

**GRANT OF ALLOWANCES TO INDIAN DRIVERS OF THE EASTERN BENGAL
RAILWAY FOR SUNDAY WORK.**

187. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to the Government reply to starred question No. 829 asked in the meeting of the Legislative Assembly held on 14th September, 1925, regarding the grant of allowances to Indian drivers of the Eastern Bengal Railway for Sunday work, will Government please state if they have arrived at a decision?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir Charles Innes: The matter is still under the consideration of the Government of India.

Khan Bahadur Sarfaraz Hussain Khan: May I know when the decision will be arrived at?

The Honourable Sir Charles Innes: I am afraid I cannot tell the Honourable Member.

CENTRAL AVENUE EASTERN BENGAL RAILWAY OFFICE.

188. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of 6th December, 1925, page 11, under the heading "Central Avenue E. B. Railway Office"?

(b) If so, will they please inquire and state if the statement made therein "that the godown is not sufficient to hold all the goods that come nor are there hands enough to book them promptly" is correct?

(c) If correct, do they propose to issue necessary instructions to the railway authorities concerned to remove the grievances of the public complained of?

Mr. G. G. Sim: (a) Yes.

(b) and (c). The matter is one which can suitably be dealt with by the Agent and his Local Advisory Committee.

**EXPENDITURE ON THE MEDICAL DEPARTMENT OF THE EASTERN BENGAL
RAILWAY.**

189. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to the Government reply to starred question No. 836 asked in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state if the information called for has been received?

(b) If so, will they please furnish it to the House?

Mr. G. G. Sim: (a) Yes.

(b) The total amount spent during the 5 years ending 31st March, 1925, on the Medical Department of the Eastern Bengal Railway was:

	Rs.
(i) Establishment	12,70,797
(ii) and (iii) Medicines and apparatus	2,22,785

HOSPITALS ON THE EASTERN BENGAL RAILWAY.

190. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government reply to starred question No. 837 asked in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state if their inquiry has been completed?

(b) If so, will they please lay a copy of the result of their inquiry on the table?

Mr. G. G. Sim: (a) Yes.

(b) A copy of letter addressed to Mr. Kumar Sankar Ray, dated the 10th November, 1925, giving the requisite information, is being sent to the Honourable Member.

ESTABLISHMENT OF LOCAL ADVISORY COMMITTEES ON RAILWAYS.

191. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please lay on the table a statement showing the Railways which have got Advisory Committees and those which have not got them so far?

(b) If all the Railways have not got Advisory Committees, will Government please state why all of them have not got such Committees?

Mr. G. G. Sim: (a) Local Advisory Committees have been established on the following Railways:

Assam Bengal, Bengal and North Western, Bombay, Baroda and Central India, Burma, East Indian, Eastern Bengal, Great Indian Peninsula, Madras and Southern Mahratta, North Western, Rohilkhand and Kumaon and South Indian.

Steps are being taken by the Bengal Nagpur Railway to create Advisory Committees at Nagpur, Adra, Calcutta and Vizagapatnam.

(b) Does not arise.

RECRUITMENT TO THE IMPERIAL SECRETARIAT.

192. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government reply "For obvious reasons Bengal, the United Provinces, and the Punjab have a larger representation than other provinces" to starred question No. 840 (c) asked in the meeting of the Legislative Assembly held on 14th September, 1925, regarding recruitment to the Imperial Secretariat, will Government please state whether "obvious reasons" means that more men of higher qualifications are available in the provinces of Bengal, the United Provinces and the Punjab than in other provinces of India?

(b) If not, what other reason is there for the provinces referred to in their reply having a larger representation?

The Honourable Sir Alexander Muddiman: The obvious reasons are that men like serving near their own homes, and Simla and Delhi are nearer to the United Provinces and Punjab than to other provinces, and prior to 1919, owing to the winter headquarters being in Calcutta, a large number of Bengalis were recruited many of whom are still in service.

Mr. K. Ahmed: Is it not a fact that the high officers coming from those provinces belong to a certain class and that class only is recruited and the others are neglected by the Government?

The Honourable Sir Alexander Muddiman: If I had understood the Honourable Member's question, I would have replied it.

THE BAWLA MURDER CASE.

198. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the article published in the issue of the *Servant of India*, November 26th, 1925, page 505, under the heading "*What Justice Demands*"?

(b) If so, will they please state if the quotation made therein from the charge of Mr Justice Crump to the jury is correct?

(c) If the quotation made is correct, will Government please state whether an inquiry is being made in the matter?

The Honourable Sir Alexander Muddiman: (a) I have seen the article

(b) The quotation is substantially, though not verbally, correct.

(c) I must refer the Honourable Member to the answer given by me to Mr Gaya Prasad's question No 25, on the 21st January, 1926

CONSTRUCTION OF THE ISHURDI-PABNA-SADHUGUNJ AND ARICHA-DACCA RAILWAY LINES IN EASTERN BENGAL.

194. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state the result of the traffic survey directed to be held by last year's Budget over the proposed Ishurdi, Pabna, Sadhugunj and the Aricha Dacca railway lines in East Bengal, and what steps they propose to take towards the construction of those lines?

The Honourable Sir Charles Innes: The traffic survey of the Ishurdi-Pabna-Sadhuganj Railway has recently been completed but the report has not yet been received. Necessary funds will be provided for its construction if the prospects of the line are found on examination of the report to be satisfactory.

As regards the Dacca-Aricha project, the results of an engineering reconnaissance recently carried out do not justify a traffic survey being undertaken. A traffic survey however will be carried out if the Local Government, to whom a reference has been made, agree to bear the cost should the line not be constructed.

TRANSFER BY THE EASTERN BENGAL RAILWAY OF THEIR TRAFFIC CENTRE FROM GOALUNDO.

195. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state what decision, if any, has been arrived at with regard to the transfer of through traffic over the Eastern Bengal Railway *via* Goalundo from that place to some other place?

Mr. G. G. Sim: The Honourable Member is referred to the reply given in this Assembly on the 25th January, 1926, to question No. 186 asked by Khan Bahadur Sarfaraz Hussain Khan on the same subject.

FARES TO FARIDPUR STATION ON THE EASTERN BENGAL RAILWAY.

196. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state whether the fare charged for Faridpur station on the Eastern Bengal Railway has remained the same in spite of the shifting of the site of the station?

Mr. G. G. Sim: Government have no information.

RECOMMENDATIONS OF THE INDIAN MERCANTILE MARINE COMMITTEE.

197. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state what steps they have taken or propose to take to give effect to the recommendations of the Mercantile Marine Committee?

RECOMMENDATIONS OF THE INDIAN MERCANTILE MARINE COMMITTEE.

404. ***Mr. B. Das:** (a) Will Government be pleased to state if they will give the House an opportunity to discuss the Report of the Indian Mercantile Marine Committee?

(b) Have Government reached any decisions on this report and if so, what are they?

The Honourable Sir Charles Innes: With your permission, Sir, I will reply to questions Nos 197 and 404 together.

An expert came out from England in December last to advise about the establishment of a training ship in Indian waters. He has submitted a report which is at present under consideration

The other principal recommendations of the Committee have been considered and Government hope shortly to be able to place their conclusions before the Legislative Assembly

Mr. K. Ahmed: Do Government propose to expedite the establishment of nautical institutions and colleges with steamships attached for the training of Indian seamen as early as possible?

The Honourable Sir Charles Innes: I would prefer to answer that question when we lay our conclusions on the Report of the Committee before the House.

Mr. K. Ahmed: Will Government expedite this matter because there has been a general agreement on this point all over the country and the Government themselves have expressed their willingness on a previous occasion?

TOTAL INCOME DERIVED FROM POSTAL SAVINGS BANKS.

198. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state what the total income derived from Postal Savings Banks throughout India is and how it is employed, and whether they propose to give people facilities to obtain loans on favourable terms through the agency of Postal Savings Banks?

The Honourable Sir Basil Blackett: I am not clear as to what the Honourable Member means by "total income". If he means the additional net deposits in any year, it is impossible to give any definite reply—for both deposits and withdrawals fluctuate widely from year to year.

The balance at credit of depositors on the 31st March, 1925, was 25.64 lakhs and a year earlier, was 24.79 lakhs, so that the net addition including interest during the year 1924-25 was 85 lakhs. In the previous financial year, the net addition was 1.59 lakhs. The balance forms part of the general balances of the Government. It is not earmarked for any specific purpose, but is used for the purpose of assisting the financing of the capital expenditure of the Government of India and Provincial Governments.

As regards the latter part of the question, the granting of loans to the public is entirely outside the scope of the Post Office Savings Bank Scheme which is designed to encourage thrift by enabling people to keep their small savings in safety and to earn interest thereon. I see no reason why the Post Office Savings Bank should be brought into the question whether or not it is desirable for the Government to make loans to individuals out of moneys raised on the security of the Indian taxpayer.

RECOMMENDATIONS OF THE INDIAN AUXILIARY AND TERRITORIAL FORCES COMMITTEE

199. ***Mr. Kumar Sankar Ray**: Will the Government state what steps they propose to take to give effect to the recommendations of the Shea Committee?

Mr. E. Burdon: The attention of the Honourable Member is invited to the reply which I gave on the 21st January, 1926, to Khan Bahadur Sarfaraz Hussain Khan's starred question No 29

ALLEGED ABDUCTION OF AN INDIAN GIRL BY GUARD HODSON OF THE EASTERN BENGAL RAILWAY.

200. ***Mr. Kumar Sankar Ray**: (a) Has the attention of the Government been drawn to an article in the *Amrita Basar Patrika* of the 25th November, 1925, about the alleged abduction of a girl named Lilabati by a guard named Hodson?

(b) If so, what steps do the Government propose to take in the matter?

The Honourable Sir Charles Innes: The Honourable Member is referred to the answer given in this Assembly on 21st January, 1926, to question No 89, asked by Mr Gaya Prasad Singh

†201.

†202.

GRANT OF FULL RIGHTS OF CITIZENSHIP TO INDIANS IN AUSTRALIA.

208. ***Khan Bahadur Sarfaraz Hussain Khan**: (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Forward* of 8th December, 1925, page 8, under the heading 'India and Australia'?

* Answered on the 21st January, 1926, along with question No. 8.

† Answered on the 21st January, 1926, along with question No. 6.

(b) If so, will they please state whether the following statement reported to have been made by Senator Reid of the Commonwealth Parliament of Australia represents correctly the state of affairs in the Commonwealth? "By an act of Parliament in the last Session of the last Parliament all Indians in Australia had been enfranchised giving them equal political rights and citizenship, the right of receiving one pound per week of old age pension at the age of 65 for men, and 60 for women. If the financial condition rendered it necessary, it was also provided that any one unable to earn his living will receive a pound per week on the certificate of a Doctor and at the time of birth any children receive 5 pounds for every birth. This, however, applies only to the Federal Commonwealth, while some States have not yet granted full franchise."

Mr. J. W. Bhore: (a) Yes.

(b) It is true that Commonwealth electoral rights have been conferred on British Indian subjects in Australia. Inquiries have been made with regard to the rest of the statement and a reply is awaited.

CASE OF MR. ASHUTOSH CHAKRAVARTY, LATE A GUARD OF THE EASTERN BENGAL RAILWAY.

204. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to the Government reply to starred question No. 856, asked in the meeting of the Legislative Assembly held on 14th September, 1925, regarding the case of Mr. Ashutosh Chakravarty, a guard of the Eastern Bengal Railway, will Government please state whether the inquiries referred to in their reply have been completed?

(b) If so, will they please furnish the information to the House?

Mr. G. G. Sim: (a) Yes.

(b) The result of the inquiry was communicated to Mr. Amar Nath Dutt, and a copy is being supplied to the Honourable Member.

STRENGTH OF THE CLERICAL ESTABLISHMENT OF THE OFFICE OF THE CHIEF CONTROLLER OF STORES.

205. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the statement laid on the table in reply to starred question No. 858, asked in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state why the appointments held by the residents of the Punjab (including Delhi) go up to the figure 60 while the figures for appointments held by the residents of other provinces are lower?

The Honourable Sir Bhupendra Nath Mitra: I can only suggest the obvious reason that an office located in the Punjab and Delhi is likely to employ in its clerical establishment a larger number of residents of those provinces than of provinces further afield.

LOOTING AND STABBING OF INDIAN PILGRIMS ON THEIR WAY BACK FROM MEDINA.

206. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the Government reply to starred question No. 871 (b) asked in the meeting of the Legislative Assembly held on 14th September, 1925, regarding the return of Indian pilgrims from the Hedjaz, will Government please state, if the information is available, the number of Indian pilgrims who were looted and stabbed on their way back from Medina?

Sir Denys Bray: As far as the Government are aware, no Indian pilgrims were stabbed on their way from Medina on the last Haj, but several Indians are reported to have been robbed.

Mr. K. Ahmed: Is it a fact that Government have got statistics to say that all the pilgrims who went there have returned home safely?

Sir Denys Bray: I am afraid that Government statistics are not quite so exhaustive. As the Honourable Member is no doubt aware, several pilgrims remained behind in the Hedjaz from year to year.

Mr. K. Ahmed: Are they sure that none of them were stabbed or died otherwise?

SCHEME FRAMED BY THE ARCHITECTS OF THE NEW CAPITAL FOR THE
ENCOURAGEMENT OF INDIAN ARTS AND CRAFTS.

207. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the copy laid on the table, "Resolved that the principles expressed by Sir E. Lutyens be accepted and that Sir E. Lutyens, Mr. Baker and Mr. Keeling be asked to draw up a detailed scheme in consultation, if possible, with Sir J. Marshall, for the consideration of the Committee" in reply to starred question No. 879 asked in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state if the scheme referred to has been drawn up?

(b) If so, will they please lay a copy of it on the table?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The Honourable Member is referred to the answer given to questions Nos. 959 to 968 on the 15th September, 1925

NON-ALLOTMENT DURING THE SEPTEMBER SESSION OF LONGWOOD ANNEXE
TO MEMBERS OF THE INDIAN LEGISLATURE.

208. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the Government reply to my supplementary question to starred question No. 897 asked in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state why Longwood Annexo was not allotted to Members of the Indian Legislature in the last Simla Session?

The Honourable Sir Bhupendra Nath Mitra: The attention of the Honourable Member is invited to the reply given to Baba Ujagar Singh Bedi's question No. 786 on the 7th September, 1925.

Mr. K. Ahmed: Is it not a fact that the Government have never afforded facilities to Members of this Assembly to live safely and quietly in the property which has been acquired particularly for them?

The Honourable Sir Bhupendra Nath Mitra: The question is so long that I have lost the hang of it. I shall be glad if the Honourable Member will give me due notice of it.

Mr. K. Ahmed: Will the Honourable Member in charge of the Department see his way to allow Members of this Assembly to remain in possession of the property which was specially acquired for them, and not allow other people to interfere with their rights?

The Honourable Sir Bhupendra Nath Mitra: The property is in possession of Government. I should like to see that question on paper in order to see what the Honourable Member is driving at.

Mr. K. Ahmed: Is it not meant for their use and not for allowing other people to interfere with it? Will the Honourable Member in charge of the property now allow the free enjoyment to the Members of the Assembly of this property which has been acquired as a result of the expenditure of a large amount of money received from the tax-payers?

The Honourable Sir Bhupendra Nath Mitra: I submit that it would be best for this House if notice were given of that question, and if the question itself were recorded in writing.

Mr. K. Ahmed: Is it not a fact that the Honourable Member is loaded with a number of questions since his arrival in this Assembly, that inconvenience has been felt by the Assembly and he is not in any way anxious to meet the wishes of the representatives of the people of this country?

Mr. K. O. Neogy: Is the Honourable Member aware that the property was acquired by Government expressly for the use of Members of this Legislature? I think that is the point which Mr. K. Ahmed is driving at

Mr. K. Ahmed: Yes.

APPOINTMENT OF CLERKS OF THE METEOROLOGICAL DEPARTMENT IN THE OFFICE OF THE CENTRAL BOARD OF REVENUE.

209 ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the Government reply to unstarred questions Nos. 151 and 152 in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please lay a copy of their reply on the table for the information of the House?

The Honourable Sir Basil Blackett: I am sending the Honourable Member a copy of the reply in question. I do not regard it as of sufficient importance to justify the expense of having it printed in the official report of the proceedings of this House, and do not therefore lay it on the table.

CASUAL LEAVE OF EMPLOYEES OF THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS AT QUETTA.

210. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government reply to unstarred question No. 164 in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state if they have received the information called for?

(b) If so, will they please furnish it to the House?

SICK LEAVE OF EMPLOYEES OF THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS AT QUETTA.

211. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to the Government reply to unstarred question No. 165 in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state if they have received the information called for?

(b) If so, will they please furnish it to the House?

The Honourable Sir Basil Blackett: The information was received and duly communicated to the Honourable Mr. Kelkar.

INCONVENIENCES CAUSED TO PASSENGERS AT DEOKALI AND FYZABAD CITY STATIONS.

212. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Wealth and Welfare* of the 27th November, 1925, page 6, under the heading "Deokali and Fyzabad City Stations"?

(b) If so, will Government please state if the statements made therein are correct?

(c) If correct, do they propose to issue instructions to the railway authorities concerned to remove the discomfort and inconvenience of the people complained of?

Mr. G. G. Sim: (a) Yes.

(b) and (c). Government have no information. The matter is one which should be brought to the notice of the Agent, East Indian Railway, through his local Advisory Committee.

GRIEVANCES OF EASTERN BENGAL RAILWAY PASSENGERS.

218. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of 11th December, 1925, page 11, under the heading "Grievances of the E. B. Railway passengers"?

(b) If so, will they please state if the statements made therein are correct?

(c) If correct, do they propose to issue instructions to the railway authorities concerned to redress the grievances of the travelling public referred to?

Mr. G. G. Sim: (a) Yes.

(b) and (c). The matter is one which should be brought to the notice of the Agent, Eastern Bengal Railway, through his Local Advisory Committee.

ATTACHMENT OF FIRST AND SECOND CLASS CARRIAGES TO ALL TRAINS BETWEEN KALKA AND SIMLA.

214. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 169(b) regarding the attaching of first and second class carriages to all trains between Kalka and Simla, in the meeting of the Legislative Assembly held on 14th September, 1925, will Government please state if the matter has been referred to the Agent?

(b) If so, will they please state what action has been taken by him in the matter?

Mr. G. G. Sim: The Government communicated the suggestion to the Agent, but they have no information as to whether he has taken action upon it.

ENGINEERS EMPLOYED IN THE LONDON STORES DEPARTMENT.

215. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to starred question No. 908, regarding engineers employed in the London Stores Department, asked in the meeting of the Legislative Assembly held on 9th September, 1925, will Government please state if they have considered the matter and arrived at a decision?

(b) If they have, will they please communicate their decision to the House?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The High Commissioner has been informed that the Government of India desire that the principle involved in the Resolution adopted by the Council of State on the 8th September, 1925, should be followed and that consistently with economy and efficiency, opportunities should be taken to Indianize the higher staff of his establishment.

CRIMINAL CASES INSTITUTED BY NAND RAM OF HAZARA AGAINST MUFTI MUHAMMAD YAKUB KHAN AND ELEVEN OTHERS.

+216. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to unstarred question No. 147 in the meeting of the Legislative Assembly held on 9th September, 1925, will Government please state if the inquiry has been completed?

(b) If so, will they please furnish the result to the House?

GRANT OF PENSIONS TO NON-OFFICIALS.

217. *Raja Raghunandan Prasad Singh: With reference to the reply of the Honourable the Finance Member to starred question No. 985 of Khan Bahadur Sarfaraz Hussain Khan, during the last Simla Session, will the Government be pleased to give the names of the non-officials, with the nature of the services rendered by each, to whom part of pension was sanctioned by the Government, during the last five years?

The Honourable Sir Basil Blackett: There is no case during the last 5 years, in which a pension has been granted by the Government of India to a non-official.

STRENGTH OF INDIAN DELEGATION TO THE LEAGUE OF NATIONS.

218. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the remarks "On account of the limited strength of our delegation, etc., etc." "That the numerical strength of the Indian delegation compares very unfavourably with that of many other States of much smaller size and significance" "Much of the work of the Assembly is done in the Committees and Sub-Committees." "But it is difficult to find time for such discussions unless a delegation is sufficiently strong in numbers, etc., etc."

+For answer to this question, see answer to question No. 181.

recorded in paragraph 81, page 194, under the heading "General observations" of the Report of the Delegates of India to the 6th Assembly of the League of Nations published in the Gazette of India Extraordinary, dated Delhi, December 9th, 1925, will Government please state:

(a) whether there is any statutory obligation in the matter of the selection of delegates to any limited number?

(b) in whom the power of selecting Indian delegates is vested?

Mr. L. Graham: (a) The number of representatives for each Member State is fixed at three, but there is no limit to the number of substitute representatives.

(b) The appointment is made by the Secretary of State acting in consultation with the Government of India.

DEATHS OF THE SUB-POSTMASTER OF BARJOLI AND THE BRANCH POSTMASTER OF MUNSHIGANJ.

219. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the editorial, "Director-General's G. O. No. 8, Calcutta, the 18th September, 1925" and the comments of the paper on the incidents connected with the deaths of the Barjoli Sub-Postmaster and the Branch Postmaster of Munshiganj, published in the issue of the Labour of November, 1925, pages 417 to 419?

(b) If so, will they please state if they are aware that the deaths of the Barjoli Sub-Postmaster and the Branch Postmaster of Munshiganj took place?

(c) What action, if any, has been taken against the Divisional Superintendent of Post Offices and his Head Clerk referred to in the Director-General's G. O. No. 6, Calcutta, the 8th September, 1925?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Yes.

(c) The question of disciplinary action in the matter is now under my consideration.

'ALLEGATIONS AGAINST MAJOR T. TEMPLE, R.A., OFFICIATING CHIEF ORDNANCE OFFICER, RAWALPINDI.

220. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 148, in the meeting of the Legislative Assembly held on 9th September, 1925, regarding the allegations against Major T. Temple, R.A., Officiating Chief Ordnance Officer, Rawalpindi, will the Government please state if they have completed their inquiries?

(b) If so, will they please communicate the result to the House?

Mr. E. Burdon: (a) Yes.

(b) A copy of the demi-official letter which I sent on the 16th October, 1925, to the Honourable Member who had asked the previous question is laid on the table.

D. O. No. 395-S.

Army Department.

Simla, the 16th October 1925.

DEAR LALA DUNI CHAND,

With reference to the reply given by me on the 9th September 1925 to your unstarred question No. 148, regarding certain alleged grievances of Assistant Store Holders, temporary clerks, etc., I write to say that as a result of our inquiries, the following is the further reply to your question :

- (a) Owing to the prevalence of thefts from arsenals, it was necessary to tighten up the rules for the search of personnel on leaving arsenals, etc., and the order issued in the Rawalpindi Arsenal was in consequence of this. All individuals, without exception, are liable to be searched and in this connexion I would invite your attention to India Army Order 711 of 1925, a copy of which is attached.
- (b) Government understand that a delay of only about 15 minutes, and not of an hour, occurs.
- (c) Government do not propose to take any action in the matter.

Yours sincerely,

(Sd.) E. BURDON.

To

Lala Duni Chand, M.L.A.,
Vakil, High Court, "Kripanivas",
Ambala City.

INDIA ARMY ORDER 711 OF 1925.

Liability of individuals and vehicles entering an Arsenal, Ordnance or Clothing Depot, to be searched on leaving the establishment.—All individuals (without exception) and all vehicles (irrespective of ownership) entering an Arsenal, Ordnance or Clothing Depot will be liable to be searched on leaving the establishment.

EXTENSION OF THE PROBATIONARY PERIOD OF INDIAN ASSISTANT STORE-KEEPERS IN ARSENALS.

221. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to unstarred question No. 150, in the meeting of the Legislative Assembly on 9th September, 1925, regarding the extension of the probationary period of Indian Assistant Store-Keepers in Arsenals, will the Government please state if they have arrived at a decision?

(b) If so, will they please communicate their decision to the House?

Mr. E. Burdon: (a) and (b). The trial period of the civilian store-holders has been extended for a period of one year commencing from the 1st November, 1925.

RATIFICATION BY THE GOVERNMENT OF INDIA OF THE CONVENTION, PROTOCOL AND FINAL ACT OF THE SECOND OPIUM CONFERENCE.

222. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to supplementary question to starred question No. 789 asked in the meeting of the Legislative Assembly held on 8th September, 1925, regarding signature on behalf of the Government of India of the Convention, Protocol and Final Act of the Second Opium Conference, will Government please state when the agreement and Convention with their Protocols and Final Acts were ratified by the Government of India?

The Honourable Sir Basil Blackett: The Government of India have signified their assent to ratify the documents drawn up by the First and Second Opium Conferences at Geneva, but, so far as they are aware, the instruments of ratification have not yet been deposited by His Majesty's Government. This will, it is expected, be done shortly.

**RECRUITMENT OF THE CLERICAL ESTABLISHMENT OF THE OFFICES OF
THE AUDITOR GENERAL AND THE ACCOUNTANT GENERAL, CENTRAL
REVENUES, RAISINA.**

223. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to starred question No. 795, asked in the meeting of the Legislative Assembly held on 8th September, 1925, regarding recruitment of the clerical establishment of the offices of the Auditor-General and the Accountant-General, Central Revenues, Raisina, will Government please state if the information has been collected?

(b) If so, will they please communicate the information to the House?

The Honourable Sir Basil Blackett: (a) The information was collected and furnished to the Honourable Lala Duni Chand on the 10th September last.

(b) The information is available in the Library.

INDEBTEDNESS OF INDIAN AGRICULTURISTS TO MONEY-LENDERS.

224. *Khan Bahadur Sarfaraz Hussain Khan: (a) Are the Government aware that during the consideration of the motion to refer the Punjab Money-lenders' Bill to the Select Committee (reported in the issue of the *Forward* of the 15th December, 1925, under the heading "Money-lenders' Bill.") Sir John Maynard is reported to have said, "About ten crores of rupees annually was required by the agriculturists in the Punjab from the money-lenders to carry on their business"?

(b) Will Government please state about how much was required annually by the agriculturists of British India from money-lenders to carry on their business?

Mr. J. W. Shore: (a) Yes.

(b) The Government have no information.

Khan Bahadur Sarfaraz Hussain Khan: Do they propose to obtain the information?

Mr. J. W. Shore: Will the Honourable Member kindly repeat the question? I did not hear him.

Khan Bahadur Sarfaraz Hussain Khan: Do Government propose to get that information?

Mr. J. W. Shore: May I suggest to the Honourable Member that this is a question which may suitably be examined by the Royal Commission on Agriculture.

OPENING OF BRANCHES OF THE IMPERIAL BANK OF INDIA IN BIHAR
AND ORISSA.

225. ***Khan Bahadur Sarfaraz Hussain Khan**: Will Government please state:

(a) how many branches of the Imperial Bank of India have been opened in the Province of Bihar and Orissa?

(b) the names of the places at which they have been opened?

The Honourable Sir Basil Blackett: Ten branches have been opened at the following places, in addition to the one already in existence at Patna:

Bhagalpur, Cuttack, Dhanbad, Gaya, Jamshedpur, Jharia (Sub-Agency), Muzaffarpur, Purnea, Darbhanga and Chapra.

EMPLOYMENT OF WOMEN UNDERGROUND IN MINES.

226. ***Khan Bahadur Sarfaraz Hussain Khan**: With reference to Government reply to the second supplementary question to starred question No. 691, asked in the meeting of the Legislative Assembly held on 7th September, 1925, will Government please state if there is any other civilised country in the world except India that allows women to work underground?

The Honourable Sir Bhupendra Nath Mitra: Yes. The Government of India understand that women are employed in mines underground in China and Japan.

Mr. C. S. Ranga Iyer: Will they abolish that custom in this country?

The Honourable Sir Bhupendra Nath Mitra: That is a question which does not arise out of this question.

Mr. K. Ahmed: Do Government propose for the benefit of the country and civilisation to treat the ladies in the same way as other countries do?

Mr. C. S. Ranga Iyer: Is it not an abominable custom?

TOTAL EXPENDITURE ON THE OPENING CEREMONY OF THE KHYBER
RAILWAY, ETC.

227. ***Lala Piyare Lal**: (a) Will Government be pleased to state the total expenditure incurred on the opening ceremony of the Khyber Railway?

(b) Will Government be pleased to state also the underlying object of incurring such a heavy expenditure on it?

(c) Will Government be pleased to state the total cost of its construction?

The Honourable Sir Charles Innes: (a) The cost was Rs. 18,384.

(b) The opening of the Khyber Railway was an historic event which it was considered should be marked by a ceremony befitting the occasion.

(c) The latest estimate of the cost of the line is Rs. 271 lakhs.

STATE ASSISTANCE TO THE CINEMA FILM INDUSTRY IN INDIA.

228. ***Lala Piyare Lal:** (a) Will Government be pleased to state what help if any they have given to the Cinema film industry in India?

(b) If the answer is in affirmative, to which of the concerns and in what shape has help been given?

The Honourable Sir Bhupendra Nath Mitra: (a) The Government of India have given no help to the cinema film industry.

(b) Does not arise.

INCOME DERIVED FROM ADVERTISEMENTS IN TELEGRAPH FORMS.

229. ***Lala Piyare Lal:** (a) Will Government be pleased to state the amount of income derived from the advertisements on telegraph forms?

(b) Are Government aware that the advertisements on the forms are causing much inconvenience to the public?

(c) Is it a fact that advertisements are printed beyond the capacity of the forms and thereby make the matter of the telegrams unintelligible?

(d) If the answers to parts (b) and (c) are in the affirmative, are the Government prepared to stop such advertisements?

Mr. G. P. Roy: (a) Rs 43,800 has been derived as income from advertisements from the time the system was started in August, 1923.

(b) Complaints against the publication of advertisements on telegraph forms have occasionally been received. Steps were taken to remedy the principal defects mentioned in the complaints, such as the thin quality of paper.

(c) The space allotted to advertisements is strictly laid out and there is no reason for thinking that advertisements encroach on the space for the text of messages.

(d) The matter is under consideration.

TOTAL EXPENDITURE ON THE VISIT OF HIS MAJESTY THE KING OF BELGIUM TO INDIA.

230. ***Lala Piyare Lal:** Will Government be pleased to state the total expenditure incurred by the Government of India on account of the visit of His Majesty the King of Belgium?

Sir Denys Bray: A gross expenditure of Rs. 97,000 was sanctioned. I am sorry, I cannot give actuals as the accounts have not been finally adjusted.

Syed Majid Baksh: Will Government please state, if they know, what was the intention of His Majesty the King of Belgium in making such an extensive tour in India? Was it for any political purpose?

Sir Denys Bray: I am not in the confidence of the King of the Belgians, but I feel myself that this, like the opening of the Khyber Railway, was a historic occasion, as it was the first occasion on which a European crowned head had honoured this country with a visit.

Mr. K. Ahmed: Is it not a fact that this was done in order to cheer up the King of Belgium specially in his aggrieved position, which was caused by the instructions given him by the English people to take part in the war and help them, and that this is the only Indian money that has been spent unnecessarily at the cost of the ratepayers of this country in order to show their duty in a sympathetic way here in India?

COST OF THE ELECTRIFICATION SCHEME ON THE GREAT INDIAN PENINSULA RAILWAY.

281. *Lala Piyare Lal: (a) Has the attention of the Government been drawn to the *Pioneer* of the 21st October stating the cost of the electrification of the Great Indian Peninsula Railway to be £5,000,000?

(b) If it is a fact, will Government be pleased to state the practical utility of this measure?

(c) Has it been tried elsewhere in any part of the Empire? If so, with what effect?

Mr. G. G. Sim: Information regarding the electrification of the main line of the Great Indian Peninsula Railway to Igatpuri and Poona will be found recorded in the Proceedings of the Standing Finance Committee for Railways for the 4th and 11th September.

COST OF DESIGNING THE NEW FIVE-RUPEE AND TEN-RUPEE GOVERNMENT CURRENCY NOTES.

282. *Lala Piyare Lal: Will Government be pleased to state the cost of designing the new five-rupee and ten-rupee Government Currency notes and the utility thereof?

The Honourable Sir Basil Blackett: It is not possible to give figures for the fees paid for particular designs, but the following expenditure has so far been incurred on designs, engraving and connected work:

	£
1921-22	285
1922-23	635.
1923-24	347
1924-25	644

The object of altering the designs is to make the notes more convenient to handle and to increase the safeguards against forgery.

HONORARY ASSISTANT RECRUITING OFFICERS.

283. *Lala Piyare Lal: Will Government be pleased to state the number of Honorary Assistant Recruiting Officers appointed after the termination of the War, with the following particulars, namely, names, qualifications, family services and the dates of appointment?

Mr. E. Burdon: Appointments of Honorary Assistant Recruiting Officers were made during the war purely as a war measure and lapsed automatically on the cessation of hostilities. Since then no appointments were made until the introduction of an experimental scheme in October last for the appointment of selected Indian gentlemen as Honorary Assistant Recruiting Officers. The scheme was published in Army Instruction (India) No. 970 of 1925.

2. Two appointments only have so far been made under the scheme. One is that of Lieutenant-Colonel the Honourable Nawab Malik Sir Umar Hayat Khan on whose qualifications I need not enlarge. He has been appointed Honorary Assistant Recruiting Officer for the Shahpur District. The other is Honorary Captain and Subedar Major Kanhaiya, late 8/19th Hyderabad Regiment, a very distinguished soldier, who served during the Great War on the North-West Frontier and in Iraq, was mentioned in despatches and was awarded the I.D.S.M. He has been appointed Honorary Assistant Recruiting Officer for the Rohtak District. Sir Umar Hayat Khan was appointed on the 6th November and Captain Kanhaiya on the 9th December. Family services do not enter into consideration in making these appointments.

APPOINTMENT OF MR. KENNEDY NORTH AS DESIGNER AND DECORATIVE ARTIST FOR THE GOVERNMENT BUILDINGS AT RAISINA.

234. ***Lala Piyare Lal:** Will Government be pleased to state the terms on which the appointment of Mr. Kennedy North, designer and decorative artist for the Government buildings at Raisina has been made?

- (a) Has the attention of the Government been drawn to the report published in the *Pioneer* of the 2nd December, 1925, on page 10, column 2, of the protest meeting held at Bombay on the appointment?
- (b) What are his special qualifications so far as Indian art is concerned?
- (c) Was there no Indian available for that work?

The Honourable Sir Bhupendra Nath Mitra: I would refer the Honourable Member to the reply given by me to question No. 93 asked by Khan Bahadur Sarfaraz Hussain Khan on the 21st January. As there appears to be considerable misunderstanding on the subject of Mr. Kennedy North's visit, I am glad of this opportunity of giving more detailed information.

The employment of Mr. Kennedy North has no connection whatever with any scheme for the encouragement of arts and crafts framed by the architects or anybody else, nor has it anything to do with mural decorations or the embellishment of the central buildings. The Government have not gone back, and have no intention of going back, on any assurance given to this House on this subject. Mr. Kennedy North has been brought out by the Government of India in order to give them the benefit of his advice regarding the provision of furniture for the new Government House. He is an authority on lac and other similar paint work and is investigating the best methods of painting furniture, windows, doors, etc., with a view to obtaining the most permanent results; and the object of his visit is to obtain local knowledge of the materials available and the labour which will carry out the work, as it is the intention to utilise so far as possible Indian materials and labour on the furnishing of the rooms. I know of no Indian with up-to-date knowledge of this special kind of work. It is a specialised subject on which much chemical research work has been done in Europe and America in recent years. The engagement of Mr. Kennedy North will not have any effect on Indian arts and crafts, as appears to be suggested in the question, unless it be that of raising the standard of work and materials used in domestic furnishings.

He has been engaged for a short visit of 2½ months in India on the following terms:

The payment of his fare to and from England and ordinary travelling allowance while in India; a fee of Rs. 150 per diem during absence from England, which is reduced by half for the period taken on the voyage; and a subsistence allowance of Rs. 15 per diem.

Mr. B. Das: Did the Honourable Member notice the news sent out by Reuter that Mr. Kennedy North took his elementary lessons in studying Indian patterns in the King Albert Hall Museum? Did the Honourable Member notice that, and if so, will he be pleased to say what previous experience Mr. Kennedy North had in Indian decoration and upholstery and furniture to be entitled to this post?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member apparently did not listen carefully while I was making a statement to the House. If he had listened to my answer carefully, he would have fully realised the reasons which led to Mr. Kennedy North's appointment. He is not an authority on Indian furniture, but he is an authority on matters connected with furniture.

Mr. B. Das: Did the Honourable Member notice the news circulated by Reuter that he started his study of Indian decoration after his appointment; that his knowledge of Indian decoration was *nil*?

The Honourable Sir Bhupendra Nath Mitra: I have already said that Mr. Kennedy North has nothing to do with decorations, but he is connected with furnishings. I am not responsible for what Reuter says.

Mr. K. Ahmed: Is Mr. Kennedy North familiar with the Indian way of decorating and furnishing houses? If not, why is Rs. 200 a day to be paid for the work he has to do, which will mislead every member of an Indian household in furnishing his house? Why indent for a foreign thing which is not familiar to us and will not serve any useful purpose?

The Honourable Sir Bhupendra Nath Mitra: I have already said, Sir, that Mr. Kennedy North's intention is to use Indian material and labour as far as possible. In fact I have reason to believe that his ambition is to drape Government House at Raisina in *khaddar*.

Mr. N. M. Joshi: May I ask whether the Honourable Member will permit the houses of officers of Trade Unions to be decorated in this lavish manner?

The Honourable Sir Bhupendra Nath Mitra: As I have said on previous occasions, the expenditure will be kept within the money voted by this House and any additional expenditure will be subject to the vote of the House.

Mr. K. Ahmed: How will that be possible if he is not familiar with the articles required for furnishing an Indian household?

Mr. B. Das: Is it not a fact that Mr. Kennedy North has no previous knowledge of the Indian system of design? How then can he utilise Indian methods of decoration?

The Honourable Sir Bhupendra Nath Mitra: I have nothing to add to what I have said, namely, that he is using Indian material and labour.

Mr. K. Ahmed: Is there any chance of the Honourable Member getting that item of expenditure, Rs. 100 or Rs. 200 a day, for the beautiful services of Mr. Kennedy North to this country, passed by this House, Sir?

REPRESENTATION OF DELHI IN THE COUNCIL OF STATE.

235. ***Lala Piyare Lal:** (a) Are Government aware that the residents of the capital of India have no franchise in the elections to the Council of State?

(b) Are Government aware that the number of qualified voters in the Province of Delhi is sufficiently large to create a separate constituency for the Council of State?

(c) If the area of the Delhi Province is insufficient for the creation of a constituency, will the Government be pleased to consider the question of extending it?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) This seems to me to be a matter of opinion. In my opinion the answer is in the negative.

(c) No.

Mr. O. S. Ranga Iyer: Is it a fact that the Government contemplate robbing the United Provinces of some districts with a view to expanding Delhi? Do they propose to annex Meerut?

The Honourable Sir Alexander Muddiman: I have no knowledge of any such proposal.

Mr. O. S. Ranga Iyer: I am glad to hear that, Sir.

Mr. K. Ahmed: Are the Government aware that the All-India Moslem League passed a resolution asking for a Muhammadan member to be elected under the electoral roll to be constituted before the 1927 election and send the member to this Assembly, as well as to the Provincial Council, if possible, for the purpose of representing the people of Delhi Province?

The Honourable Sir Alexander Muddiman: I will take it from the Honourable Member.

Mr. B. Das: May I ask if the Honourable Member, the questioner, is a member of the All-India Moslem League? As far as my knowledge goes, he is not a member of the Moslem League.

EXTENSION TO THE DELHI PROVINCE OF ACTS PASSED BY THE PUNJAB LEGISLATIVE COUNCIL.

236. ***Lala Piyare Lal:** (a) Are Government aware that the local Acts passed by the Punjab Legislative Council are usually extended to the Delhi Province?

(b) Is it a fact that the Province of Delhi is being governed by laws in the making of which its people have no voice?

(c) If the answer to part (b) is in the affirmative will Government be pleased to state what steps they propose to take to remove this anomaly?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) Government are not prepared to accept the implication, having regard to the fact that the necessary power is vested in the Governor General in Council by the Delhi Laws Act, 1912, an Act of the Central Legislature.

(c) Does not arise.

ISSUE OF RAILWAY CONCESSION TICKETS TO REPRESENTATIVES OF
NEWSPAPERS.

237. ***Mr. Devaki Prasad Sinha:** Have Government ever considered any proposal for issuing concession tickets for railway journeys to representatives of newspapers when travelling for the purpose of reporting public events or public functions? If not, will Government be pleased to consider the proposal?

Mr. G. G. Sim: The reply to both parts of the question is in the negative. The introduction of concessions of this kind is a matter which is within the competence of Railway Administrations.

GRANT OF CONCESSION TICKETS TO INDIAN STUDENTS BY STEAMSHIP
COMPANIES.

238. ***Mr. Devaki Prasad Sinha:** Do Government propose to negotiate with the Steamship Companies carrying traffic between Great Britain and India for granting concession rates to *bonâ fide* Indian students studying in Great Britain on their passage to Great Britain and back to India?

Mr. J. W. Bhore: No. The Government of India know of no precedent for the grant of concession rates by sea to students travelling abroad for purposes of study and are unaware of any special circumstances which would justify them in asking steamship companies to grant such a concession to *bonâ fide* Indian students for journeys to and from Great Britain.

Mr. K. C. Neogy: Is the Honourable Member aware that certain concessions are granted by the British Steam Navigation Company to students proceeding abroad under the auspices of a certain Association in Calcutta?

Mr. J. W. Bhore: I am not aware of that.

Pandit Shamlal Nehru: Will the Honourable Member take note of that now?

Mr. J. W. Bhore: If the Honourable Member will supply me with authentic information on that point I will see to it.

Pandit Shamlal Nehru: I will see to it that authentic information is supplied to the Honourable Member.

INDIAN DEPUTATION TO SOUTH AFRICA.

239. ***Mr. Devaki Prasad Sinha:** What exactly is the function assigned to the deputation recently sent by the Government of India to South Africa? What promises of sympathy or support have Government received for this deputation from the Government of South Africa?

Mr. J. W. Bhore: The attention of the Honourable Member is invited to the press communiqué, dated the 20th November, 1925, a copy of which has been placed in the Library of the House. The deputation has been sent, with the concurrence of the Union Government, who have undertaken to give the members every facility for the prosecution of their inquiries.

LABOUR REPRESENTATION IN THE LEGISLATIVE ASSEMBLY AND THE
PROVINCIAL COUNCILS.

240. *Mr. Devaki Prasad Sinha: How many seats have been assigned, or are proposed to be assigned, to the elected representatives of Labour in the next Legislative Assembly and in each of the new Provincial Legislative Councils?

The Honourable Sir Alexander Muddiman: The Honourable Member is referred to paragraph 64 of the Report of the Reforms Enquiry Committee. The question of the increased representation of labour in the Legislative Assembly and the Provincial Councils is under consideration of Government in connection with those recommendations.

SUBMISSION OF THE PUBLICATION *INDIA* TO THE BRITISH PARLIAMENT.

241. *Mr. Devaki Prasad Sinha: (a) Will Government be pleased to state what exactly is the utility of publishing an annual statement of "India" for presentation to Parliament in accordance with the requirements of section 26 of the Government of India Act?

(b) Do the Government of India accept responsibility for the views on political questions expressed in the book?

The Honourable Sir Alexander Muddiman: (a) The submission of the Report is prescribed by an Act of the British Parliament and the object of the Report is to keep Parliament informed of the moral and material progress and condition of India. Its utility obviously will differ to different readers.

(b) I invite attention to the reply I gave on the 17th September, 1924 to a question on the same subject by Mr. M. S. Aney.

Mr. Chaman Lal: What do the Government exactly mean by the term "moral progress"?

The Honourable Sir Alexander Muddiman: Moral progress. It is a very difficult term to define. I am not an authority on theology.

Mr. K. Ahmed: And if the contents of that book, so beautifully bound, are not exactly definable, will the Government of India be pleased to append to the volume another content which will be a unanimous statement approved by the people of this country and their representatives, making that a second volume?

The Honourable Sir Alexander Muddiman: Would my Honourable friend undertake to write that second volume himself? (Laughter.)

Mr. K. Ahmed: Will the Government of India be pleased to write out the same contents only and that is our opinion and nothing else? We pay the cost of it.

The Honourable Sir Alexander Muddiman: If the Honourable Member wrote the book himself it would save the cost.

Mr. K. Ahmed: I am asking why the same professor of the Home Department, Mr. Rushbrooke Williams, should not write an appendage to this book containing a statement of our approval of the contents of his book?

DEFALCATIONS BY EMPLOYEES OF THE ARMY CANTEN BOARD (INDIA).

242. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply and the statement laid on the table to starred question No. 715, asked in the meeting of the Legislative Assembly held on 7th September, 1925, regarding defalcations committed by employees of the Army Canteen Board (India) from the 1st August, 1924, to July, 1925, will Government please state if the accounts for the month of July have been audited?

(b) If so, will they please communicate the result to the House?

Mr. E. Burdon: (a) Yes.

(b) No further defalcations were committed. I may add, with reference to the reply given to the previous question referred to by the Honourable Member, that the net defalcation account for the 12 months ended 31st July, 1925, as certified by the Auditors, amounted to Rs. 4,753/1/1.

NET LOSS INCURRED BY THE ARMY CANTEN BOARD (INDIA) SINCE ITS ESTABLISHMENT.

243. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question No. 721, asked in the meeting of the Legislative Assembly held on 7th September, 1925, will Government please state if the inquiry has been completed and the report sent to the Secretary of State?

Mr. E. Burdon: The attention of the Honourable Member is invited to the reply which I have given to question No. 91 asked by Mr. Gaya Prasad Singh.

GRANT OF OUTSTATION ALLOWANCES TO SORTERS OF THE FOREIGN MAIL DIVISIONS.

244. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to starred question No. 748, asked in the meeting of the Legislative Assembly held on 7th September, 1925, regarding the grant of outstation allowances to sorters of the Foreign Mails Divisions, will Government please state if the information has been collected?

(b) If so, will they furnish it to the House?

The Honourable Sir Bhupendra Nath Mitra: A report on the subject has just been received from the Director-General and is under consideration.

ESTABLISHMENT OF A BRANCH OF THE DEPARTMENT OF EPIGRAPHY IN INDIA IN BOMBAY.

245. *Khan Bahadur Sarfaraz Hussain Khan: (a) Are the Government aware of the following Resolutions passed at the Eleventh Karnataka Literary Conference held at Belgaum in May last:

“That this Eleventh Karnataka Literary Conference resolves that the Government of India may be approached with a prayer to establish a branch of the Department of Epigraphy in India independently in Bombay to collect and publish scientifically all the inscriptions, both stone and copper plate, bearing upon the history and the literature of Karnataka;” and

" That the Karnataka Sahitya Parishat be requested respectfully to address His Excellency the Viceroy of India on the subject and also to communicate the Resolution to the Members of the Indian Legislative Assembly " ?

(b) Will Government please state if any representation on the subject referred to has been received by His Excellency the Viceroy ?

(c) If so, what action, if any, do they intend to take in the matter ?

Mr. J. W. Shore: (a) Yes.

(b) Yes.

(c) A systematic survey of the Kanarese inscriptions in the Bombay Presidency has already been taken in hand, village by village, and arrangements have been made for the Kanarese Assistant attached to the office of the Assistant Archaeological Superintendent for Epigraphy, Southern Circle, Madras, to spend two months every year in the Kanarese speaking districts of the Bombay Presidency until all such inscriptions in those districts have been examined and copied. It is, therefore, unnecessary to establish a separate epigraphical branch of the Department in Bombay.

246†.

EAST INDIAN RAILWAY COMPANY SCHOOLS.

247. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 109 in the meeting of the Legislative Assembly held on 7th September, 1925, regarding the East Indian Railway Company Schools, will Government please state if they have made the inquiries ?

(b) If so, will they please communicate the result to the House ?

Mr. G. G. Sim: (a) Yes.

(b) A copy of letter addressed to Haji Wajihuddin, dated the 26th October 1925, giving the requisite information, is being sent to the Honourable Member.

TOTAL NUMBER OF PASSENGERS CARRIED BY THE KHYBER RAILWAY FROM ITS OPENING UP TO THE 3RD DECEMBER, 1925.

248. ***Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state :

(a) the total number of passengers, first, second and third Class (or servants), that travelled in the Khyber Railway Up and Down from the time of the opening of the Railway up to November, 1925; and

(b) the number of civilians and military persons respectively out of the total number ?

Mr. G. G. Sim: (a) and (b). A statement giving the information is placed on the table.

† Answered along with question No. 4 on the 21st January, 1926.

Statement showing the number of outward and inward passengers that travelled on the Khyber Railway up to 8th December 1925.

Stations.	No of Passengers.	
	Military.	Public.
(a) Outwards—		
Landi Kotal	114	3,310
Zintara . . . . .	...	977
Shahgai	745	...
(b) Inwards—		
Landi Kotal	90	2,533
Zintara . . . . .	...	250
Shahgai	349	...

MURDERS OF POSTAL RUNNERS.

249. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to my starred question No. 584 asked in the meeting of the Legislative Assembly held on 3rd September, 1925, will Government please state:

(a) the province or provinces in which the murders of postal runners took place in 1924-25; and

(b) the places where, and the circumstance under which, they took place?

Mr. G. P. Roy: (a) (1) Two in 2 Indian States attached to the Central Circle.

(2) One in the United Provinces.

(8) One in the Madras Presidency.

(b) (1) The runner working on the mail line Anadra to Madar was murdered in the Sirohi State at a place $1\frac{1}{2}$ miles from Anadra and $26\frac{1}{2}$ miles from the Abu Road Railway Station. The murder was stated to be the result of a domestic intrigue.

(2) A runner working on the mail line Baikunthpur to Pendra Road Railway Station on the Bengal Nagpur Railway was murdered at a place about 2 miles from the village Thagwan in the Korea State and about 63 miles from the Pendra Road Railway Station. The mail not having arrived, a search party was sent out who discovered in a jungle the clothes, axe and spear of the runner, human bones and an iron bound *lathi*. It appears that the runner was belaboured with *lathies*. Robbery appears to have been the object of the murder.

(3) The runner working on the Koncha to Harringtonganj line in the Fyzabad District was attacked by robbers and beaten to death at a distance of a furlong from the Harringtonganj bazar. Robbery appears to have been the object of the murder.

(4) The runner working on the Kasipalayam to Kurumandur line in the Coimbatore District was waylaid and stabbed at a place 5 furlongs from the village Karatupalayam and 3 furlongs from Ayampalayam. Robbery appears to have been the object of the murder.

ISSUE OF REVOLVERS TO POSTAL RUNNERS.

250. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to my starred question No. 585 (b) and (c) asked in the meeting of the Legislative Assembly held on 3rd September, 1925, regarding the issue of revolvers to postal runners, will Government please state if they have finished the examination of the question?

(b) If so, will they please communicate the result to the House?

The Honourable Sir Bhupendra Nath Mitra: The matter has been examined and statistics show that out of a total of 126 attacks made on postal runners during the period of six years from the 1st of April 1919 to date, the postal runner was unaccompanied in 104 cases, and, as might be expected, the majority of cases occurred at night and in lonely places. Government, however, do not consider it desirable to arm runners with revolvers, or with any other kind of fire-arms, but, in order to provide for their security as far as possible, the Director-General has issued instructions to heads of postal circles to the effect that (a) night running should be prohibited if there is any danger from man or beast, (b) in specially dangerous places single runners should be replaced by a pair of runners, even in day-time, and (c) where cash or insured articles of over Rs. 500 are carried, the runners should ordinarily be doubled, especially in lonely tracts.

Syed Majid Baksh: Do Government fear that these postal runners, if armed with revolvers will some day turn out to be revolutionaries?

The Honourable Sir Bhupendra Nath Mitra: Government have no such apprehension, Sir.

Syed Majid Baksh: Then, why do they not arm these runners with proper weapons to protect their own lives as well as the property of the Government and the public?

The Honourable Sir Bhupendra Nath Mitra: As I said on a previous occasion, these revolvers will prove to be a greater source of risk than of advantage to the poor runner himself.

Baba Ujagar Singh Bedi: Why not arm them with some other kind of weapons, say, guns, in order to protect their lives and property?

The Honourable Sir Bhupendra Nath Mitra: The answer is the same as that I have already given.

COUNTING OF THE APPRENTICE SERVICE OF OVERSEERS IN THE PUBLIC WORKS DEPARTMENT TOWARDS PENSION.

251. *Mr. Amar Nath Dutt: (a) Are there rules under which the apprentice service of an overseer in the Public Works Department is allowed to count for pension? If so, will the Government be pleased to refer to them?

(b) Is it a fact that Messrs. Durham and Francis of the Public Works Department in the United Provinces have been allowed to count the period of their apprenticeship as overseers for pension?

(c) If so, are the Government prepared to extend this privilege to others similarly situated?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b) No

(c) Does not arise

DUTY ON STATIONERY

252 ***Lala Duni Ohand:** Is it true that while printing and writing paper has been subjected to a higher duty, the tariff has not been raised in case of stationery made of that very paper?

The Honourable Sir Basil Blackett: No, Sir Stationery which is made from writing paper is subject to the same rate of duty as the paper from which it is made

(1) APPEAL OF MR HAR NARAIN, A CLERK IN THE OFFICE OF THE DEPUTY POSTMASTER GENERAL, RAILWAY MAIL SERVICE, AMBALA

(2) RULES RELATING TO SENIORITY IN GOVERNMENT SERVICE.

253 ***Lala Duni Ohand:** With reference to the unstarred question No 184, parts 2 and 3 and question No 135, parts 2 and 3, put by Mr S Sadiq Hussain, on 7th September, 1925, will the Government be pleased to furnish the information now which they were unable to give then?

The Honourable Sir Bhupendra Nath Mitra: Government have no information nor did they call for any

NON-OFFICIAL RESOLUTIONS IN THE SECOND LEGISLATIVE ASSEMBLY.

254 ***Lala Duni Ohand:** 1 Will the Government be pleased to furnish the information regarding (i) the number of non-official Resolutions admitted, (ii) the number of non official Resolutions discussed, and (iii) the number of Resolutions accepted by the Government since the second Assembly came into being?

2 Are Government prepared to alter the rule of business of the Assembly so as to make it easier to have non-official Resolutions taken up after they are admitted and allot more days to them than have hitherto been allowed?

The Honourable Sir Alexander Muddiman: 1 I lay on the table a statement showing the number of non-official Resolutions admitted and the number of non-official Resolutions moved since the inauguration of the second Legislative Assembly As to Resolutions given effect to by the Government the Honourable Member is referred to the reply given by my Honourable friend Mr Graham on the 21st January, 1926, to Mr. Gaya Prasad Singh's starred question No 24

2. The allotment of unofficial days is a matter within the competence of the Governor General and there is no present intention of altering that rule.

Statement showing the number of non-official Resolutions admitted and the number of non-official Resolutions moved since the inauguration of the second Legislative Assembly.

Session.	Number of non-official Resolutions admitted.	Number of non-official Resolutions moved.
Delhi Session 1924	408	18
May-June Session and September Session 1924	847	4
Delhi Session 1925	919	11
Simla Session 1925	591	5

N.B.—In cases where several Members gave notice of the same Resolution the notice by each Member has been counted as a separate Resolution.

Mr. K. Ahmed: Is it a fact that the Home Department finds difficulty in meeting the terms of Resolutions, and though Resolutions are allowed by the Honourable the President, the Viceroy in the exercise of the extraordinary powers given to him by Standing Order 22 (1) disallows the Resolutions to the disappointment of this House at the eleventh hour, just a day or two before the Resolution is expected to come on in this House, to the great inconvenience of the people of this country and their representatives here in the Assembly?

Mr. President: The question does not arise.

GRANT OF A PASSPORT TO MOULANA GHULAM MOHAMMAD AZIZ TO RETURN TO INDIA.

255. ***Lala Duni Chand:** (a) Is it true that the Government of India has instructed the British Consul at Kabul not to grant a passport to Maulana Ghulam Mohammad Aziz of Amritsar who had left India while the Hijrat movement was in progress and, if so, will the Government state the reasons for having done so?

(b) If the reply to the above question be in the negative, will the Government please state whether they have any objection to the return of the said gentleman to India?

Sir Denys Bray: (a) The Government of India informed His Majesty's Minister, Kabul, that in their opinion permission to return to India should for the present be withheld from Ghulam Mohammad Aziz. Their reason for doing so was that on the information before them they considered that his return to this country at present would not be in the public interest.

(b) Does not arise.

RECRUITMENT OF MEMBERS OF THE INDIAN CIVIL SERVICE IN ENGLAND, AND IN INDIA IN 1925.

256. ***Lala Duni Chand:** (a) Will the Government please state the number of members of I.C.S. recruited in 1925 in England and in India, respectively?

(b) How many of the total number recruited in England and India are Indians?

(c) Is it true that the last man who has been taken in in England stands 45th in order of merit or thereabout while the last man who has been taken in in India stands 5th in order of merit?

(d) If the facts are as stated above will the Government state the reasons for the disparity in the number of recruits selected in the two countries and also for the contrast in qualifications of the candidates recruited in England and in India?

The Honourable Sir Alexander Muddiman: (a) 36 candidates were recruited in England and 7 in India.

(b) 22.

(c) The last candidate recruited in England stood 45th in the list of candidates for the Indian Civil Service.

(d) After taking into account the number of Indians entering the service by open competition in London it is necessary to adjust the number of appointments made in India so that the total recruitment may conform to the proportions recommended by the Lee Commission. The question of disparity of qualifications does not arise as the Indian and English examinations are entirely separate.

EXCESSIVE AMOUNT OF UNCURRENT COIN REMITTED TO THE MINTS BY
THE AMBALA CITY BRANCH OF THE IMPERIAL BANK OF INDIA.

257. ***Lala Duni Ohand:** (a) Will the Government please state how much uncurrent coin (the coin which is used in making Indian ornaments) has been remitted by the Imperial Bank, Ambala City branch, since its opening, to the Bombay and Calcutta Government mints?

(b) Is it true that comparatively the uncurrent coin of the kind above referred to, was remitted by the Imperial Bank, Ambala City branch, in much larger quantities than has been sent by other branches of the Imperial Bank in the Punjab during the same period?

(c) Is it also true that the quantity of uncurrent coin of the above description remitted by a much larger branch of the Imperial Bank, Ambala Cantonment, was almost nothing as compared with the quantity remitted by the Ambala City branch?

(d) Is it also true that about 14,000 uncurrent coins of the above description have been returned by the Bombay Mint to the Imperial Bank, Ambala City branch, and, if so, what were the reasons for this?

(e) Is it true that the treasurer of the city branch has been made to make good to the bank the amount returned by the Bombay Mint?

(f) Is it a fact that the Head Office of the Imperial Bank at Delhi has held inquiry into the excessive amount of uncurrent coin remitted by the Ambala City branch, and as a result of this inquiry the services of two employees of the treasurer have been dispensed with?

(g) Will the Government place on the table the papers relating to this inquiry?

(h) Do the Government hold the treasurer of the Imperial Bank, Ambala City branch, responsible for the above acts, and, if so, what steps are the Government going to take against him?

The Honourable Sir Basil Blackett: (a) Rs. 8,10,952 up to the end of December, 1925.

(b) and (c). Yes; but the Ambala Cantonment Sub-Agency (which, by the way is not larger than the City Branch) does no Government treasury work and has no occasion to remit uncurrent coin on Government account to the Mints.

(d) Yes. The coins were returned as fraudulently defaced.

(e) to (h). The matters in question concern the domestic arrangements of the Bank.

UNAUTHORIZED LOAN BY THE IMPERIAL BANK OF INDIA TO THE
TREASURER OF THE AMBALA CITY BRANCH.

258. ***Lala Duni Ohand:** (a) Is it true that all the branches of the Imperial Bank in the Punjab are prohibited from advancing loans against immoveable property?

(b) If the reply to (a) is in the affirmative, is it true that in contravention of this rule the treasurer of the Ambala City branch was advanced a big loan against the security of immoveable property?

(c) If the reply to (b) be in the affirmative, will the Government be pleased to state what action has been so far taken against the Manager who advanced the unauthorized loan and the treasurer of the bank to whom the loan was advanced?

The Honourable Sir Basil Blackett: As regards part (a) of the question, the Honourable Member is referred to clause 1 (c) of Part II of Schedule I of the Imperial Bank of India Act, 1920.

The matters raised in the rest of the question are not within the knowledge of the Governor General in Council. I am not prepared to answer questions regarding the details of the Imperial Bank's business. I may however say, that I have ascertained that the particular case apparently referred to involved no infringement of any sort of the Bank's statutory powers.

INQUIRY INTO THE DEATH OF MISS BHAJI TULSI DAS SIPAHIMILANI
IN THE LADY HARDINGE HOSPITAL, DELHI.

259. ***Lala Duni Ohand:** (a) Has the attention of the Government been drawn to a letter from "Citizen" to the editor and a note with a heading "Death on operation table" that have appeared in the *People* of 22nd November, 1925, a weekly paper, published at Lahore, regarding the death of Miss Bhaji Tulsi Das Sipahimilani who died on the operation table in the Lady Hardinge Hospital, Delhi?

(b) Is it true that the operating surgeon and the anaesthetist have given different versions regarding the cause of her death?

(c) Will the Government be pleased to state if they have taken or intend to take any action in the matter, and, if so, what?

Mr. J. W. Bhare: (a) Government have not seen the particular letter referred to. Their attention has however been drawn to other letters published in the newspapers on the same subject.

(b) Yes.

(c) The Dufferin Fund Committee made a careful inquiry into the case and the finding is stated in the reply to Mr. Chaman Lal's question No. 109, which I gave the other day. Government do not propose to take any further action in the matter.

APPOINTMENT OF INDIANS TO THE RAILWAY ENGINEERING SERVICE.

260. ***Lala Duni Chand:** (a) Is it true that the accepted and declared policy of the Government of India is that, as far as possible, Indians may be appointed to the higher railway posts and that the Government of India have issued instructions to the Railway Board to give effect to this policy?

(b) Is it a fact that the Railway Board and their executive officers have virtually refused to carry out the said policy of the Government of India?

(c) Is it true that Indian graduates even after they have undergone training have been declared unfit for any higher railway appointment?

(d) Is it true that ordinarily Indian young men who have qualified themselves in engineering from Roorki and other Indian Engineering Colleges are invariably refused appointments in the Railway Engineering Service?

(e) Is it true that engineers turned out by the Engineering Colleges of the United Kingdom are appointed railway engineers on high salaries while equally qualified and far less expensive Indians are not appointed?

The Honourable Sir Charles Innes: The answer to (a) is contained in the Preamble to the Government of India Act and the answer to the rest of the questions is in the negative.

Mr. K. C. Neogy: Are Government going to publish their scheme for future recruitment for the Railway Services which was discussed by the Railway Advisory Council last autumn?

The Honourable Sir Charles Innes: We shall do so as soon as possible.

RECRUITMENT FROM INDIA AND THE UNITED KINGDOM TO RAILWAY ENGINEERING SERVICE.

261. ***Lala Duni Chand:** (a) Will the Government be pleased to give the number of engineers, (i) those recruited from India, (ii) those recruited from the United Kingdom during the last two years in the Railway Engineering Service?

(b) Is it true that last year as well as this year no apprentice from the Indian Engineering Colleges has been taken either in the Imperial or the Provincial Service, and is it a fact that the Railway Board have written to the Government of India that they do not want any apprentice engineer this year either in the All-India Service or the Provincial Service?

The Honourable Sir Charles Innes: (a) A statement is placed on the table.

(b) The answer is in the negative.

Statement showing the number of Engineers (a) those recruited from India, (b) those recruited from United Kingdom during the years 1924 and 1925 in the State Railway Engineering Service.

EUROPE RECRUITED.		INDIA RECRUITED.		REMARKS
1924.	1925	1924.	1925.	
3*	6†	8‡	2	* Including 2 Royal Engineers. † Including 4 Royal Engineers and 1 Indian ‡ Including 4 Engineers of the Provincial Engineering Service

GRIEVANCES OF WORKMEN ON THE GREAT INDIAN PENINSULA RAILWAY.

262 ***Lala Duni Chand:** (a) Is it true that the Managing Committee, Great Indian Peninsula Railway Workmen's Union, has made a representation through its Honorary General Secretary, Mr S H Ghabwala, on the subject of several grievances of the workmen, namely Gratuity, Reduction, Holidays, Equal pay for equal work, Sickness, Leave, Railway Passes, Recognition of the Union, Bribery and Promotion, and if so, have the Government taken any action or do the Government intend to take any action with a view to redress all or some of the aforesaid grievances?

(b) Now that the Government have taken over the management of the Great Indian Peninsula Railway, do Government propose to take any steps to improve the conditions of service on this railway line?

The Honourable Sir Charles Innes: (a) and (b) Yes. The representation has been sent to the Railway Administration for disposal. The Government of India have no doubt that it will remedy any genuine grievances if such exist.

REPLACEMENT OF RAILWAY SLEEPERS BY IRON RODS ON THE NORTH-WESTERN RAILWAY.

263 ***Lala Duni Chand:** (a) Is it true that on a section of the North-Western Railway between Sirhind and Ambala Cantonment and on certain other sections of the same line the sleepers supporting the railway line are being replaced by iron rods?

(b) Is it proposed to replace the sleepers by iron rods on the whole line?

(c) What is the cost per mile of the replacement of sleepers by the iron rods?

(d) What are the reasons that have led the railway administration to replace the sleepers by iron rods?

(e) Are these iron rods manufactured in India or imported and, if so, from which country?

of the North-Western Railway, in accordance with the practice years.

(b) No.

(c) About Rs. 28,000 per mile.

(d) They are economically justified and are being used to supplement the insufficient supply of wooden sleepers.

(e) They are manufactured in India.

EXPENDITURE ON THE CONSTRUCTION AND THE OPENING CEREMONY OF THE KHYBER RAILWAY.

264. *Kumar Ganganand Sinha: Will the Government be pleased to state what amount has been spent in the construction and the opening ceremony of the Khyber Railway, and what is the approximate annual estimate of its upkeep?

The Honourable Sir Charles Innes: Most of this question has been answered in the reply to Lala Piyare Lal's question No. 227. I have only to add that the approximate yearly charge for working expenses including provision for depreciation is Rs. 4.42 lakhs.

Syed Majid Baksh: Is it possible to presume, Sir, that the Khyber Railway is meant to thrust an advanced military post outside India in order to overawe kingdoms outside the boundary of India?

The Honourable Sir Charles Innes: The Honourable Member should not make any presumption of that kind.

Syed Majid Baksh: Is it not a fact that the establishment of an advanced military post outside India

Sir Denys Bray: I rise to a point of order, Sir. Is the Honourable Member's question in order? I submit, Sir, that the Honourable Member's question is out of order as apparently designed to affect the relations of His Majesty's Government with a foreign State.

Syed Majid Baksh: But it may involve India, with which we are concerned, in some difficulty at some future date, and I submit, Sir, that I am entitled to ask that question.

The Honourable Sir Alexander Muddiman: I submit, Sir, that it is the Honourable Member's question that will involve India in difficulties.

Mr. President: I am afraid I must rule the Honourable Member out of order.

PROPOSED TRANSFER OF SYLHET AND CACHAR TO BENGAL.

265. *Kumar Ganganand Sinha: Will the Government be pleased to state what progress, if any, has been made in the consideration of the question of the proposed transfer of Sylhet and Cachar to Bengal?

The Honourable Sir Alexander Muddiman: We have now received certain further replies from the Governments of Bengal and Assam and the subject has been finally discussed in the respective Legislative Councils.

I propose to circulate, in continuation of the papers already supplied to Honourable Members, further correspondence which has taken place and which will be of help when the matter comes up for consideration in this House.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

266. ***Kumar Ganganand Sinha:** Will the Government be pleased to state how far the question of the amalgamation of the Oriya-speaking tracts has been considered and when the decision of the Government is likely to be known?

The Honourable Sir Alexander Muddiman: I refer the Honourable Member to my reply to Khan Bahadur Sarfaraz Hussain Khan's starred question No. 36, dated the 21st January, on the same subject.

PROPOSED SURVEY OF THE SOUTHERN SALT LAKE BY THE CALCUTTA CORPORATION.

267. ***Kumar Ganganand Sinha:** Will the Government be pleased to state whether they have been requested by the Calcutta Corporation to co-operate with it in the proposed survey of the southern Salt Lake; and if so, how far the Government are co-operating?

Mr. J. W. Bhore: The Surveyor General has been addressed by the Calcutta Corporation in the matter, and has furnished an estimate of cost for their acceptance. The proposal has not yet advanced beyond this point.

NEGOTIATIONS WITH REFERENCE TO THE CLASS AREAS BILL IN SOUTH AFRICA.

268. ***Kumar Ganganand Sinha:** Will the Government be pleased to state how far the Indian case has progressed in the South African negotiation about the Class Areas Bill and lay the despatches on the table?

Mr. J. W. Bhore: By the Class Areas Bill the Honourable Member presumably means the Areas Reservation and Immigration and Registration (Further Provision) Bill. The attention of the Honourable Member is drawn to the statement on this subject made by His Excellency the Viceroy in opening the Session. Negotiations are still proceeding and Government do not think it would be at present in the public interest to lay the correspondence on the table of the House.

DEFENCE OF INDIA.

269. ***Kumar Ganganand Sinha:** Will the Government be pleased to state whether its attention has been drawn or not to an article entitled "Problem of Defence" by Gulshan Rai appearing in the Mufassil Edition of the *Hindustan Times* of Thursday, November 12th, 1925? If so:

- (i) have the improvements suggested been considered or are they being considered?
- (ii) how far have the frontiers been secured by the Railways?
- (iii) what further improvements, if any, are going to be made in it?
- (iv) if no improvement is going to be made, why?

Mr. G. G. Sim: Government have seen the article referred to, but regret that they cannot make any statement on it, as it would not be in the public interest to do so.

NATURE OF THE DECORATION TO BE UNDERTAKEN IN NEW DELHI BY
MR. KENNEDY NORTH.

270. *Kumar Ganganand Sinha: Will the Government be pleased to state the nature of the decoration to be done in Delhi by Mr. Kennedy North?

REMUNERATION OF MR. KENNEDY NORTH, DECORATIVE ARTIST,
NEW DELHI.

271. *Kumar Ganganand Sinha: Will the Government be pleased to state on what remuneration the services of Mr. Kennedy North have been secured?

APPOINTMENT OF MR. KENNEDY NORTH AS DECORATIVE ARTIST,
NEW DELHI.

272. *Kumar Ganganand Sinha: Will the Government be pleased to state how the appointment of Mr. Kennedy North has been made? Was the post to which he has been appointed advertised in India? If so, how many applications had reached and on what grounds were they rejected?

SCHEME OF DECORATION WORK FOR NEW DELHI SUBMITTED BY
MR. KENNEDY NORTH.

273. *Kumar Ganganand Sinha: (a) Has Mr. Kennedy North submitted any scheme for the decoration work? If so, has it been sanctioned by the Government? If not, is the line of action to be adopted by Mr. North open to interference by the Government or not?

(b) Will the Government lay a copy of Mr. North's scheme of decoration on the table?

(c) What control do the Government exercise over Mr. North? What liberty has been given to him to further his own plans?

The Honourable Sir Bhupendra Nath Mitra: With your permission, Sir, I propose to reply to questions Nos. 270—273 together. I have nothing to add to the reply given by me to question No. 234 asked by Lala Piyare Lal to-day.

EXCAVATIONS BY THE ARCHEOLOGICAL DEPARTMENT.

274. *Kumar Ganganand Sinha: Will the Government be pleased to state the names of sites which are being excavated by the Archaeological Department, the names of sites of which successful excavation has been carried out to their completion since 1905, the names of sites whose excavation has been abandoned with reasons for such abandonment, and the names of sites proposed to be excavated with plans and estimated cost of their excavation?

Mr. J. W. Bhore: (a) The following sites are being excavated:

1. Mohenjodaro, District Larkhana, Sind.
2. Harappa, District Montgomery, Punjab.
3. Nal, Masturg, etc., in Baluchistan.
4. Taxila, District Rawalpindi, Punjab.
5. Ahar, District Bulandshahr, United Provinces.
6. Sarnath, District Benares, United Provinces.
7. Nalanda, District Patna, Bihar and Orissa.
8. Sabhar, District Dacca, Bengal.
9. Paharpur, District Rajshahi, Bengal.

(b) Since the year 1905 excavations have been carried out at 88 places, besides other excavations carried out as part of conservation works. A list of these sites is placed on the table. These explorations are not complete in the sense that all monuments buried on the sites have been exposed to view. Wherever an excavation has been discontinued it is because it has been judged that for the time being more valuable results may be expected from other sites, but it does not mean that the excavation may not advantageously be resumed at some later date.

It is impossible to prepare beforehand detailed plans and estimates of excavation work. The progress and scope of such work depend on the results achieved.

APPENDIX TO ANSWER TO PART (b).

1. Takt-i-Bahi in the Frontier Province.
2. Sahribahlol in the Frontier Province.
3. Shahji-ki-Dheri, Peshawar.
4. Jamalgarhi in the Frontier Province.
5. Katas, District Jhelum, Punjab.
6. Bhim Tila near Chetru, District Kangra, Punjab.
7. Masrur, District Kangra, Punjab.
8. Kurukshetra, District Karnal, Punjab.
9. Quth, Delhi Province.
10. Nagari, Rajputana.
11. Mandor, Jodhpur State.
12. Besnagar, Gwalior State.
13. Sanchi, Bhopal State, C. India.
14. Shanwar Wada, Poona, Bombay Presidency.
15. Mirpur Khas, Bombay Presidency.
16. Brahmanabad, Sindh, Bombay Presidency.
17. Sankisa, United Provinces.
18. Kasia, District Gorakhpur, United Provinces.
19. Sravasti, United Provinces.
20. Bhitia, Allahabad District, United Provinces.
21. Deogarh, Jhansi District, United Provinces.
22. Bilsar, District Etah, United Provinces.
23. Kosam, District Allahabad, United Provinces.
24. Mathura, District Muttra, United Provinces.
25. Pataliputra, Patna, District Patna.
26. Lauriya, District Champaran.
27. Rampurva, District Champaran.
28. Basarh, Muzaffarpur District, Bihar.
29. Rajgir, Patna District, Bihar.
30. Rampal, Dacca District, Bengal.
31. Peddamudiyam, Madras Presidency.
32. Amaravati, Madras Presidency.
33. Buddhist Monastery at Sankaram Hills, Madras Presidency.
34. San Thoma, Mylapore, Madras.
35. Buddhist Monastery at Ramasirtham, Madras Presidency.
36. Pagan, Burma.
37. Hinawza, District Prome, Burma.
38. Bahrein, Persian Gulf.

Mr. Devaki Prasad Sinha: May I know, Sir, if there is any chance of the excavations at Pataliputra being resumed?

Mr. J. W. Bhore: I must ask for notice of that question.

Mr. K. Ahmed: Are the Government aware that the Archæological Department are likely to meet with great success if they undertake excavations in the ancient district of Malda in the Rajshahi Division as numerous articles of historical interest can be found there, and it will also be a great help.

Mr. J. W. Bhore: May I suggest to the Honourable Member that he should get in touch with Sir John Marshall, and I have no doubt that he will listen to the Honourable Member's suggestions with great interest.

Mr. K. Ahmed: Will the Honourable Member in charge take effective steps to carry on excavations at the place I have mentioned in the Rajshahi Division? He is likely to meet with greater success there than in trying to discover something in the desert of Sahara where.

Mr. J. W. Bhore: If the Honourable Member will reduce his information to writing, I shall be happy to pass it on to Sir John Marshall.

EXPENDITURE ON MILITARY MANŒUVRES.

275. ***Kumar Ganganand Sinha:** What amount was spent in the last military manœuvres held in Bombay and the North-West? What was their purpose?

Mr. E. Burdon: Taking first the manœuvres at Bombay the operations consisted of a small demonstration of the methods of landing troops on a hostile coast and followed upon a staff Tour which was arranged for the purpose of enabling students at the Staff College, Quetta, to study an overseas operation. The demonstration cost about Rs. 10,000.

The cost of the Northern Command manœuvres is estimated at about Rs. 3 lakhs and will be met from the normal annual training grant. These manœuvres were held in order to afford commanders and troops the nearest test to that met in war including a test of the system of supply and maintenance. In this connexion, I would invite the Honourable Member's attention to the reply given on the 22nd January, 1925, to question No. 58.

The Honourable Member has probably seen a copy of the congratulatory message on the results of the Northern Command manœuvres, which was received from His Excellency the Viceroy and published in the press on the 17th December, 1925.

PROVISION OF MORE TICKET WINDOWS FOR THIRD CLASS PASSENGERS.

276. ***Kumar Ganganand Sinha:** Has the attention of the Government been drawn to the letter to the *Statesman* from Simplex printed at the foot of the last column in page 8, of its Mufassil issue of the 11th December, 1925, regarding the desirability of the provision of more ticket windows for third-class passengers? Will the Government be pleased to state why the present state of things continues?

Mr. G. G. Sim: Government have seen the letter referred to. The matter is within the competence of the Agents of the Railways concerned and their Local Advisory Committees. In this connection the attention of the Honourable Member is invited to the reply given to question No. 887 on the 14th March, 1924.

IMPORTS OF LIQUORS FROM FOREIGN COUNTRIES IN 1925.

277. ***Kumar Ganganand Sinha:** From what countries have spirituous liquors been imported to India and to what extent in 1925? How do these figures compare with those of the two previous years?

The Honourable Sir Charles Innes: The Honourable Member is referred to the Annual and Monthly Statements of Seaborne Trade and Navigation of British India, copies of which are in the Library.

EXAMINATION INTO THE AFFAIRS OF THE ARMY CANTEEN BOARD (INDIA).

278. ***Kumar Ganganand Sinha:** Will the Government be pleased to state whether or not they have finished the examination of the Army Canteen Board affairs? If they have finished it, will they lay their findings on the table?

Mr. E. Burdon: The attention of the Honourable Member is invited to the replies which I have given to questions Nos 91 and 144 asked by Mr. Gaya Prasad Singh and Khan Bahadur Sarfaraz Hussain Khan.

The second part of the Honourable Member's question does not arise.

THE CIVIL SERVICES BILL.

279. ***Kumar Ganganand Sinha:** Will the Government be pleased to state whether they were consulted by the Secretary of State for India with regard to the Civil Services Bill?

The Honourable Sir Alexander Muddiman: The answer is in the affirmative.

INQUIRY INTO RURAL CONDITIONS IN INDIA.

280. ***Kumar Ganganand Sinha:** (a) Has the attention of the Government been drawn to the *Times* Special Service news, appearing in the middle of the third column of the 11th page of the *Mufasil* edition of the *Statesman* of the 15th December, 1925, entitled 'Rural Conditions—Government and Indian Inquiry'?

(b) How far are the contents true? When is the consideration of the form and scope of inquiry likely to be finished and published, if such a consideration is proceeding?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) The Honourable Member's attention is invited to the reference made to the appointment of a Royal Commission on Agriculture in His Excellency the Viceroy's speech at the opening of the Assembly.

DEVELOPMENT OF AGRICULTURE IN INDIA.

281. *Kumar Ganganand Sinha: Have the Government received the views of the Local Governments regarding the improvement of agriculture? If so, will they lay them on the table and state in what state of consideration they are?

Mr. J. W. Bhore: Yes. The correspondence between the Government of India and the Local Governments on the subject of the appointment of a Royal Commission on Agriculture will be placed in the Library of the House.

SEPARATION OF RAILWAY ACCOUNTS FROM AUDIT.

282. *Kumar Ganganand Sinha: What effects have hereto been noticed of the separation of the Railway accounts from audit?

Mr. G. G. Sim: It is too early to indicate the effects of the scheme for the separation of Railway accounts from audit on the East Indian Railway, as it was introduced only last month.

PRIVATE NOTICE QUESTIONS.

TREATMENT OF BENGALI STATE PRISONERS IN JAILS IN THE MADRAS PRESIDENCY.

1. Mr. A. Rangaswami Iyengar: Sir, may I ask a few questions of which I gave private notice to the Honourable Member? Will the Government be pleased to state:

- (a) whether Messrs. Pratul Chandra Ganguli, Manoranjan Gupta, Purna Chandra Das, Bhupati Majumdar, Rabindra Mohan Sen and Amrita Lal Sarkar, six Bengali State prisoners were brought down to the Madras Jail on the 9th December, 1925;
- (b) whether in the Madras Jail they were divided into two batches, the first named three gentlemen being sent to the Trichinopoly Central Jail and the remaining three to the Cannanore Jail on the day following; and
- (c) whether in the Trichinopoly and Cannanore Jails they have been accommodated in dingy cells meant for the worst type of criminals, whereas in the Midnapur and Alipur Central Jails (Bengal) and the Mandalay Central Jail, where these gentlemen had been incarcerated for two years previous to their transfer here, they were accommodated in spacious, well-ventilated halls?

TREATMENT OF BENGALI STATE PRISONERS IN JAILS IN THE MADRAS PRESIDENCY.

2. Mr. A. Rangaswami Iyengar: (a) Do the Government consider the space of a cell, 6 feet by 8 feet constructed for a convict to live in, with one or two blankets, to be enough for the accommodation of a State prisoner with chair, table, cot, bedding, mosquito net, clothes rack, book-shelves, commode, water-buckets, jugs, plates and dishes and lots of other articles that he requires and is allowed by the Government to keep for his comfort and convenience? Is it a fact that a State prisoner is expected to sleep, dine, and pass night soil and urine in such a cell?

(b) Is it true that they are not allowed to leave the court-yard of their cells to have even a morning and evening walk in the day time?

(c) Will the Government be pleased to state whether they have authorised the process by which these State prisoners have to undergo a humiliating daily search of their persons and properties in the said jails, while no such ugly practice is in vogue in the Bengal and Burma Jails so far as political detenus are concerned?

(d) Is it a fact that even a section of ordinary criminals, e.g., convict officers are not searched daily?

DIET OF BENGALI STATE PRISONERS IN JAILS IN THE MADRAS PRESIDENCY.

3. **Mr. A. Rangaswami Iyengar:** Is it a fact that there are fixed diet allowances for the Bengali State prisoners in the Bengal and Burma Jails varying from Re. 1-8-0 to Rs. 3 per diem for each according to local conditions? If so, will the Government state whether this extension has been stopped in Madras and a diet not to their taste and habits of life is thrust upon them?

RETRANSFER TO BENGAL OF MR. PRATUL CHANDRA GANGULI, A BENGALI STATE PRISONER IN TRICHINOPOLY.

4. **Mr. A. Rangaswami Iyengar:** (a) Is it a fact that Sir Hugh Stephenson in reply to interpellations in the Bengal Council admitted that Mr. Pratul Chandra Ganguli was suffering from nasal catarrh and phelocystitis due to bacilli coli just on the eve of his transfer to Madras and that his transfer for better treatment was under consideration?

(b) Will the Honourable Member be pleased to inform the House as to what special arrangement has been made for his treatment at Trichinopoly?

(c) Are the Government prepared to instruct the Madras Government to consider his retransfer to Calcutta; and if the diseases are found to be obstinate, pending this, to bring him up to the Madras General Hospital for better treatment?

CASE OF MR. PURNA CHANDRA DAS, A BENGALI STATE PRISONER.

5. **Mr. A. Rangaswami Iyengar:** (a) Are the Government aware of the fact that Mr. Purna Chandra Das was brought down to the Rangoon General Hospital from the Mandalay Jail (where he had been transferred from Bengal) for X-Ray examination of his stomach troubles?

(b) Is it a fact that the X-Ray expert of that hospital suspected the trouble to be duodenal ulcer; that at the instance of the Burma Government the patient was transferred back to Bengal for proper treatment; that notwithstanding the opinions of Lt.-Col. Denham White and Lt.-Col. Connor of the Calcutta Medical College that he should try a nature cure rather than a very risky operation and while he was still under medical observation, he was suddenly transferred to the Madras Jails?

The Honourable Sir Alexander Muddiman: I am obliged to the Honourable Member for putting these questions because it gives me
12 Noon. an opportunity of replying. I had of course some difficulty in getting all the information, as will be gathered from the reply, in the short time that he gave me.

1. (a) and (b). Certain prisoners have been transferred to Jails in the Madras Presidency. I am not prepared to specify the jails in which individual prisoners are confined.

(c) The suggestion made in this question is entirely incorrect. In one jail each prisoner has two cells 12 feet long, 8½ feet wide and 12 feet high, one of which is used as a bed room and the other as a store room. They have also another cell as a common dining room. In the other, State prisoners are confined in a separate enclosure consisting of 20 well ventilated airy cells each 12 feet long, 8 feet broad and 10½ feet high. Each prisoner has the use of three cells, one as a bed room, one for storage of property and one as a sitting room.

2. (a) The first part does not arise in view of the reply I have given to the preceding question. During the day a latrine close to the prisoners' cell is used. A sanitary commode and covered urinal receptacle are provided in the bed room of each State prisoner for night use only.

(b) In one jail they are allowed walking exercise for one hour at a time daily, morning and evening, within the jail. In the other jail they are not allowed to leave the courtyard which is self-contained and spacious.

(c) The practice of searching the person and cell of a State prisoner is in accordance with rules which are generally operative.

(d) All ordinary criminals in separate confinement have their person and cell subject to a careful daily search.

3. Yes. They are accorded the liberal scale of diet laid down for State prisoners and they are allowed to prepare their own daily menu and supervise the cooking of dishes.

4. (a) Sir Hugh Stephenson stated in reply to a question in the Bengal Council on the 4th December last that State prisoner Pratul Chandra Ganguli had been suffering from nasal catarrh and bacillary infection of the urinary tract but did not state that his transfer for better treatment was under consideration.

(b) He was examined by the District Medical Officer on arrival at the jail and was again examined by the Inspector General of Prisons who reported that he did not consider his removal to Madras for treatment necessary. Both he and the District Medical Officer are of opinion that the prisoner is not seriously ill, that his condition does not necessitate surgical treatment and that treatment on constitutional lines should be given a fair chance before other action is taken.

(c) The reply is in the negative.

5. (a) Yes.

(b) State prisoner Purna Chandra Das was transferred to Bengal from Burma on suspicion of suffering from deodanal ulcer. He was thoroughly examined by Lt.-Col. Denham White, Col. Connor and Major Shorten, X-Ray specialist, and no serious trouble was found. His health was reported to be satisfactory before his transfer to Madras. He was not transferred against the advice of medical experts nor was he under medical treatment at the time of transfer.

Mr. T. O. Goswami: How would the Home Member like to live in one of these "well-ventilated, well-lighted cells" on "the liberal scale of diet" provided to these political prisoners, some of whom are used to quite as great comforts in life as the Home Member himself ever since their birth, and against whom Government have not the courage to bring any charge?

The Honourable Sir Alexander Muddiman: Is the Honourable Member making a speech or asking a question?

Mr. T. C. Goswami: I am asking a question.

The Honourable Sir Alexander Muddiman: What is the question?

Mr. T. C. Goswami: Would you like to be in any of these well-ventilated cells of yours?

The Honourable Sir Alexander Muddiman: The answer is that I should not like to be in a cell, nor is there anything against me that will justify my being there.

Mr. T. C. Goswami: They are persons against whom you have not the courage to bring a definite charge, though you detain them in horrible prisons as criminals.

The Honourable Sir Alexander Muddiman: Is the Honourable Member entitled to make a speech, Sir?

Mr. C. S. Ranga Iyer: Are the Government aware that one of the detenus in Bengal, who used to get special treatment in Bengal, has been brought to Lucknow in connection with the Kakori dacoity trials and has been deprived of that treatment?

The Honourable Sir Alexander Muddiman: I am not aware of that, Sir.

Mr. C. S. Ranga Iyer: Will the Honourable Member kindly inquire?

The Honourable Sir Alexander Muddiman: If you put down a question.

Mr. C. S. Ranga Iyer: Are the Government aware that the undertrials in the Kakori case, one of whom happens to be a detenu from Bengal, are brought to court in fetters?

Mr. President: The Honourable Member must not travel beyond the scope of the original questions in putting supplementary questions. He knows that the question of the Honourable Member from Madras is restricted to particular prisoners.

Pandit Shamlal Nehru: May I inquire, Sir, why these State prisoners are searched every day?

The Honourable Sir Alexander Muddiman: I am very glad the Honourable Member put the question. They are searched because these particular State prisoners who were transferred to Madras, were communicating with friends outside.

Pandit Shamlal Nehru: Does the Honourable the Home Member acknowledge that the jail authorities are absolutely incapable?

The Honourable Sir Alexander Muddiman: The jail authorities are not incapable but it is very difficult without reasonable precautions to prevent the correspondence I have stated which the Honourable Member seems to desire to facilitate.

Mr. E. C. Neogy: Are the Government prepared to lay on the table all the reports relating to the treatment of these State prisoners in jail?

The Honourable Sir Alexander Muddiman: I should like to have notice of that.

Mr. C. S. Ranga Iyer: Sir, will the Government be pleased to state if they give to these and other political prisoners a treatment different from that which is accorded to ordinary convicts?

The Honourable Sir Alexander Muddiman: They do give them a preferential treatment.

Lala Lajpat Rai: May I ask the Government if Regulation III of 1818, under which most of these prisoners are detained, does not provide that a State prisoner shall be given an allowance and treatment according to his station in life?

The Honourable Sir Alexander Muddiman: I believe that is so.

Mr. Ohaman Lal: Does the Honourable Member consider the treatment meted out to these people to be consistent with their station in life?

The Honourable Sir Alexander Muddiman: I could not answer it offhand. I am not aware what the station in life of these persons is. But I am satisfied that any complaints that are made will receive careful and sympathetic consideration.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether in these particular cases the Honourable the Home Member has ascertained the status of the people who are now in jail and has also ascertained the kind of treatment that is given to them so that it is, in his opinion, satisfactory?

The Honourable Sir Alexander Muddiman: We did ascertain that and, subject to any representation that may be received, I am so satisfied.

Mr. K. C. Neogy: Are the Government aware that in the report of the Repressive Laws Committee the Committee laid down that this particular measure should not be utilised for punitive purposes?

The Honourable Sir Alexander Muddiman: It is not used for punitive purposes if you mean treatment of prisoners in jail. I do not understand the question.

Pandit Shamlal Nehru: May I ask the Honourable the Home Member if locking up State prisoners in cells is not punitive?

The Honourable Sir Alexander Muddiman: I do not know how you can keep a prisoner in jail unless you lock him up.

Pandit Shamlal Nehru: Outside the cells there is a small compound in every jail and why then should they be locked up inside the cells?

Mr. K. C. Neogy: Are the Government satisfied that the standard of treatment adopted towards these political prisoners is the same as that adopted in the case of people like Babu Aswini Kumar Dutt and others who were confined under Regulation III some years ago?

The Honourable Sir Alexander Muddiman: It is difficult for me to answer that question because I was not in the Home Department at the time when Mr. Aswini Kumar Dutt and others were confined, but if the Honourable Member means that at the present day these men are being treated in a specially harsh way, the answer is most emphatically in the negative.

Mr. A. Rangaswami Iyengar: May I know if in the case of State prisoners under Regulation III like Lala Lajpat Rai and others they were put in cells and locked up and they were not given separate bungalows and a whole compound for their use?

The Honourable Sir Alexander Muddiman: I will suggest to the Honourable Member that he should address his question to his Honourable friend next to him.

Mr. M. A. Jinnah: Will the Honourable Member inquire as to the status of these prisoners and, if he finds that they are not treated in accordance with their status, will he take steps in the matter?

The Honourable Sir Alexander Muddiman: Most certainly. I have already inquired. I immediately despatched a telegram and got all the information available, and I am always perfectly willing to hear any suggestion in regard to the treatment of these men.

Mr. Devaki Prasad Sinha: Will the Honourable Member also consider the desirability of keeping these State prisoners in separate houses and not in jails?

The Honourable Sir Alexander Muddiman: I will consider it.

Mr. A. Rangaswami Iyengar: May I know whether, having regard to the facts as ascertained by the Honourable the Home Member, he will again address the Madras Government to see that these men receive proper treatment?

The Honourable Sir Alexander Muddiman: I have not yet received any suggestion that they do not receive proper treatment. I suggest that, as the whole matter of political prisoners is coming up for discussion almost at once, these questions may be reserved for that debate.

Pandit Shamlal Nehru: Will the Honourable the Home Member speak to the Member of the Madras Government now in Delhi about it?

The Honourable Sir Alexander Muddiman: I should be delighted to.

Mr. K. C. Neogy: To what extent do the Government of India depend upon the Provincial Governments for the administration of Bengal Regulation III of 1818?

The Honourable Sir Alexander Muddiman: To the extent that jail administration is in the immediate charge of Local Governments and that the Government of India must in any event use their agency.

RESOLUTION RE RELEASE OF POLITICAL PRISONERS.

Maulvi Mohammad Shafee (Tirhut Division: Muhammadan): I beg, Sir, to move the following Resolution:

"This Assembly recommends to the Governor General in Council that he be pleased:

- (a) to order the unconditional release of all such convicted or under-trial political prisoners in Indian jails as have not been held guilty or charged with any act of violence and all political détenus whose trial in a court of law is not contemplated;
- (b) to order the release of all other political prisoners convicted or under trial, provided that a committee consisting of two members elected by the Legislative Assembly and two members nominated by the Government recommend their release; and
- (c) to allow the return to their homes of all Indian exiles in foreign countries who are supposed to have been concerned in revolutionary movements in order to secure freedom for India on such reasonable and honourable terms as the Government may think fit to impose."

Sir, this is a matter on which all of us have strong feelings of genuine sympathy. We cannot afford to ignore the unhappy people for whom this Resolution is intended. I cannot say that the opposite side does not share such feelings with us. After all, every human being feels for the sufferings of others. It is, of course, the diverse interests which are responsible for any inhumanity if we find it being exercised by one against another. But the question before us is such that can be viewed from a non-party standpoint, more especially so at the present moment, when the atmosphere in the country appears to be calmer and cooler, and when everybody is anxiously thinking what his future course of action should be. This is the right moment which should be seized by the Government for extending the hand of sympathy at least to those who have suffered enormously in the cause of their country or their religion. Their cause is sacred and be they guilty in the extreme of any political offence, they can, under no circumstance, be classed as ordinary criminals to rot in the jails or outside their native land for the rest of their lives or for the rest of the long sentences to which they are subjected. The sacredness of the cause demands special treatment of their cases. Their sufferings are not those of ordinary mortals who suffer for self-interest. They are patiently suffering for all of us sitting here in great comfort. Theirs is the noble life of martyrs.

I could not picture to you all that I feel for them for want of appropriate words and the time that it would take. I pray you all, however, to picture to yourselves the thousands that are suffering for political offences in India and outside India. With this picture before you you should not allow yourselves to be swayed by any consideration other than the sacredness of their cause, their honest endeavour to do what little they could in the furtherance of that cause, the patient sufferings of those, most of whom might be lying at this time of the day in their solitary cells, and last but not the least, the duration of time that they have been suffering. The offences which they were charged with or which they might have committed cannot be the standard by which you can judge their conduct, because the Resolution does not cover any person who has committed an offence for private ends and spite. It is the cause which they were fighting, that should be fixed upon.

I should rather clear the point first of all, as to what I mean by the phrase "political offences". For this we have to refer to the Encyclopædia of the Laws of England, Part II, page 208. It says:

"Where an offence has been committed, not from motives of private spite or interest, but in order to change the legislature or executive Government in the country, it is freely contended that the offence is political and that persons convicted of it should not be treated as ordinary prisoners, and should be pardoned or amnestied on the earliest opportunity."

It goes on to say that the offences to which this contention applies are "those described as against public order, namely, treason, treason-felony and sedition or interference with the Executive or Legislature by unlawful assemblies intended to defy or overawe either, or riotous protests against the law, and in fact, all acts directed to obtain by unlawful means a change in the law or general government of the realm." I think this definition which I have given from the Encyclopædia of the English Laws would be the common ground on which both parties in this House would rely. After doing this, I would say that we know the standard by which we can judge the individual or groups of individuals who are covered by the

[Maulvi Mohammad Shafee.]

Resolution before the House. We have classed such political prisoners under three heads in view of the different treatment that can reasonably be given to such persons. The language of the Resolution, or rather of some of its clauses, is in some places loose but the sense is absolutely clear. Those who have accepted the doctrine of non-violence stand on quite a different footing. They come under clause (a). These would include those convicted and under trial, also those who have been detained without any trial. In the case of all such persons it is presumed that no overt act of violence is proved. They are in fact the product of non-violent activities for the sake of their country. I would, therefore, ask the opposite side whether such men should be detained in custody at any time. Are they not the real preservers of peace? I cannot but be convinced from the experiences that I have gathered during the last six years personally that those who are pledged to non-violence are real soldiers of peace in this 20th century world of ours. I cannot think of any such men being detained within the bounds of walls for the good of anybody. There is absolutely no doubt in my mind that their detention does not help even the English people a bit. In my opinion it rather harms their interest. It has harmed their interest and will go on harming them if they persist in it. Those young men of Bengal, who were vieing with each other in their zeal for patriotism and against whom no charge of any violence could be brought forth and who are hence detained under the Bengal Ordinance and Regulation III of 1818, come under this head. Our brave Akali brothers who fought a non-violent battle for their religion also come under it. I have just seen that about 20 of them were released yesterday. We therefore ask for the unconditional release of all these persons. There should be no condition imposed on men like these

Under the next clause (b) come all those who are not covered by clause (a). They no doubt stand on a different footing, and we have therefore to recommend a different treatment for such persons. As the new movement of non-violent non-co-operation brought me into the arena of active politics, I do not, I must confess, know as much of them. Rather if I knew anything of them I knew their worst features. But now that I have been drawn into the active politics of my country, I can visualise what they stood for. The more I think of them, the more I become enamoured of their devotion. To be strictly correct, I should say I become ashamed of them. For what have they done? Have they done anything for their own self-interest? If they have done so, they are not entitled to our consideration. They stand condemned in their own eyes and in the eyes of the world. I am thinking of those only who have committed any act of violence for the sake of rescuing their country or their religion from the violence of the rulers. What else could they have done in those days only if they had that fire of patriotism burning within their hearts? The invention of non-violence was not then known to the world and for the matter of that to those honest men who could not shrink from doing their duty simply because reprisals were soon to follow from mightier hands. Now that the weapon of non-violence has been practised in India on so many occasions and found quite suited to the genius of the people in achieving their desired goal, I daresay the weapon of violence will be, as a general rule, left untouched whenever some sacred cause is in hand. I wish I could impress on the other side of this House that they should deem it their great fortune that such a weapon has been invented and the

best minds of India are doing their utmost to bring it into vogue amongst the multitudes of the people who inhabit this unhappy land. They should proclaim it from the top of every house that this is the weapon they gladly welcome and thus help the greatest peace-loving man on the face of this earth at the present time in his propaganda of getting it accepted to the fullest extent. But before it was actually practised in India for the first time, which I believe was in December, 1921, when the whole of India withstood the order of declaring the volunteer organisations as unlawful, I hold that people in India deserve to be pardoned for what they did before in using violent methods. The opportunity of such general amnesty was afforded to the Government many times, but I am grieved to observe that it was not availed of. Now is the time for it, when the people themselves, through their representatives in this House, ask for the release of these persons and that also not generally but after having their cases examined by a committee, both elected and nominated, in which the House may have confidence. This clause will include all those who have been tried by special tribunals, tribunals set up under martial laws of 1919 and 1921, and any others whom I may not know.

The third cause (c) relates to those great souls of India who are now exiled in foreign countries. The same can with greater force be said about these souls as has been said above about the persons covered by clause (b). I have no acquaintance with them and hence I leave it in the hands of those who are intimate with their activities. The request in regard to those persons is much more mild. They are left to the mercy of the Government, but of course this House cannot with any self-respect accept any condition which is humiliating to the country or which is humiliating to the individual concerned. The terms should in all fairness be reasonable and at the same time honourable. No fairer opportunity could come to the Government than when there is such a humble request made on behalf of this House. With these words, Sir, I commend the Resolution to the Honourable Members of this House for their acceptance.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): The Resolution which has been moved by my friend, it is well-known to this House, brings to the fore a question of paramount importance. Sir, I believe the Home Member is aware, as well as other European Members in this House, the whole Government and all the forces behind the Government, that India is determined to be free. There are two schools of thought in this country, the violent and the non-violent school; those who believe in the British connection and those who do not believe in the British connection. I do not go into the question of the British connection or separation from England, but I do go into the question of political prisoners of the two schools of thought. Even those who believe in Dominion status or Swaraj within the Empire are divided into two schools of thought, the violent and the non-violent. The violent school believe that bureaucratic violence should be met by popular violence. They believe that bureaucratic terrorism should be met by popular terrorism. They follow the example of the West of Ireland, of the United States of America, of Italy under the leadership of Garibaldi and Mazzini, of Russia under the leadership of the Russian revolutionaries, of all the free countries of the West which fought for and won freedom with weapons of force. They say that it is only their methods that can prevail because violence cannot be destroyed by non-violence.

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Sir, it is the custom in Europe to treat political prisoners of the violent school with courtesy. It is the custom there to give them special consideration. It was a custom so long as one European nation believed in keeping another European nation under its heel, to give special treatment to political prisoners. But in India the political prisoners, whether of the violent or non-violent school, are treated as felons, as murderers, as dacoits. I shall read to you, Sir, what the law expects the English practice to be in reference to political offences and offenders, a quotation from the Encyclopaedia of the Laws of England, page 208 :

"Where an offence has been committed, not from motives of private spite or interest, but in order to change the legislature or executive Government in the country, it is freely contended that the offence is political, and that persons convicted of it should not be treated as ordinary prisoners and should be pardoned or amnestied on the earliest opportunity. The offences to which this contention applies are those described as against public order, namely, treason, treason-felony, and sedition, or interference with the executive or legislature by unlawful assemblies intended to defy or overawe either, or riotous protests against the law, and in fact, all acts directed to obtain by unlawful means a change in the law or general government of the realm."

The political prisoners were treated very differently in Ireland. The question was raised in the House of Commons. The big volumes containing the debates are before me here and I would recommend the Honourable the Home Member to read page 82 of Vol. 200 "Hansard's Parliamentary Debates". Mr. Moore raised the question in the House of Commons and Mr. Gladstone replied on behalf of the Government. The Honourable Mr. Moore in support of his motion in the House of Commons for the release of political prisoners said as follows :

"Rather more than 12 months ago an amnesty was granted to a certain number of political prisoners who were then in confinement. He would make no allusion to the character of that amnesty or its effect. It was a fact that it had been granted; it was a fact that it was partial; and it was a fact that the Right Honourable Gentleman the member for Buckinghamshire (Mr. Disraeli)"

The first Jewish Prime, Minister of England (Laughter)

"... under whose administration very many of the political prisoners had been tried and convicted, had recently stated in that House that an amnesty, if granted at all, should have been completed. It was also a fact, as he was informed, that General Burke one of the political prisoners had recently become insane, and by the report of the Medical Officer of Mountjoy prison it appeared that previously four political prisoners, untried, had lost their senses under the influence of imprisonment. It was also stated, on authority which no one in that House would have thought question, that at least one other of the political prisoners was threatened with a similar calamity. He had therefore to ask the first Minister of the Crown whether it would tend to the credit or the honour of the administration of justice to retain in duration the shattered bodies of unfortunate men whose minds had wandered away from the control of human jurisdiction? He considered he was strictly within the limits of the rules of the House. The Right Hon'ble Gentleman at the head of the Government had received lately a proposition made on behalf of her husband from the wife of one of the political prisoners; and he was bound to say that the Right Hon'ble Gentleman had answered with a chivalrous respect and courteous forbearance which did him honour and for which he begged to thank him in her name. It would be unnecessary to say more than to ask the Right Hon'ble Gentleman at the head of the Government whether, under all the circumstances which he had stated and many more which he had refrained from stating, the time had not come in which the amnesty of last year might be made complete without endangering the public safety or the ends of public justice?"

Mr. Gladstone in replying to Mr. Moore in the matter laid down the rule of conduct for his Government, namely, that Government would be prepared to grant complete amnesty as soon as it is able to see the state of things in Ireland when Her Majesty's peaceable and well-conducted

subjects may be enabled to pursue the ordinary avocations of life with that degree of comfort and confidence which is the best test and criterion of a civilized and Christian country. And who were those political prisoners that were granted amnesty? They were murderers, they were assassins. They were declared to be murderers and assassins; they were proved to be murderers and assassins. But in this country, Sir, you are holding as political prisoners people against whom you have not got a shadow of evidence. I said last time to the Home Member in this House that there was not a shred of evidence in his possession against my esteemed friend Subhas Chandra Bose, and I challenged him to produce that evidence in public either before this House or in a court of law. He has not accepted the challenge. I said that to say that Subhas Chandra Bose was guilty of violence was to tell a lie, "a double-distilled lie". I say that lie has been conclusively established now by the silence of the Government, by the unwillingness or lack of courage on the part of Government to accept that challenge. It is all very well and good sitting in those comfortable Benches and bringing charges against the Indian people (Laughter). I see the Honourable Members over there (pointing to the Treasury Benches) are laughing. It is so very pleasant to laugh, but you cannot laugh away the crime of the Government. The Government have been criminals of the worst type, assassins of the deepest dye, men who are murdering the liberties of a liberty-loving race, and I shall substantiate this statement by referring to a recent fact of tremendous importance in my own province. In connection with the Kakori Dacoity, men were proceeded against on police suspicion, responsible men, leading congressmen were put in jail, were put in fetters, and then after a month or two they had to be released because the Government discovered there were no documents against them, and the C. I. D. could not manufacture documents. All these conspiracies in this country are manufactured by the C. I. D., by the persons who sell their souls for an existence, and also by that vile creature, a snake in the grass, the *agent provocateur*. Government is concocting conspiracies. It is proved in the United Provinces by the release, the unconditional release, of important men, prominent men, who one blessed morning were removed from their houses, separated from their wives and children, put in jail and in fetters. They had to be released. We said, in the meantime "Give them better treatment; do not at least put fetters on their bodies". We were not listened to, and this damned, thrice-damned, twenty-thousand times damned Government, damned by the people in jails, damned by the curses of the innocents whom they are putting in jail,—this Government is worse than the worst assassins known to history or civilization. And these are people whose hands are not stained with blood, as the hands of Michael Collins, and of other Irishmen were tainted with blood. Did you not send for those people? Did not His Majesty's Government send for those people in His Majesty's saloon in which those leaders of Ireland came to shake hands with His Majesty's Government? The very hands which put them in jail, the very hands which wrote in their newspapers and Government documents that they were murderers shook hands with "murderers"! But you are unwilling to release people against whom you have no proof, whom you have not proved so far to be guilty of murder, of assassination.

Sir, it is an elementary principle of English jurisprudence that a man who is not proved to be guilty is certainly innocent. But there is no law

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in this country; the law is the law of which Sir Charles Innes reminded my leader the other day and in another Session, the law of His Majesty's forces; the law which Lord Birkenhead bragged of in that blustering speech of his, "the charter of the sword"; the law which is prevailing in this country, the martial law under civil garb. Have you released the Martial Law prisoners, men who were not proved to be guilty by an honest court? The Martial Law Courts were all, were they not, dishonest? They were executive officers who were sifting in judgment. Is it known to history, or justice—executive men posing as Judges, with one hand administering the country and with the other hand writing judgments? There is no justice, there is no truth, there is no honesty, there is no charity, there is no integrity on the side of the Government. I make these charges because we have had experience in the United Provinces and elsewhere of men being torn away from their houses because a police informer whispered they were revolutionaries. No man's honour, no man's liberty is safe in my province or in my country. These British people come to this country and say that they are lovers of liberty. They are lovers of liberty indeed! They love our liberty so much that they jealously keep it in their hands (Laughter). We are also lovers of liberty, in the true sense of the term, and we shall see to it by fair means, the fairest of fair means to bring this dirty, miserable Government to its knees by non-violent revolution, though there will be others who can by other methods bring about a revolution. Sir, Indians are not revolutionaries, but, believe me, even the worm will turn, even a nation of trampled worms turns. Though worms, because Indians have been worms, thanks to centuries of European and other autocratic rule through which this country has passed, even Indians can turn, and believe me by these actions of yours, by putting constitutionalists into jails under the pretext that they are anarchists, you are only driving every constitutionalist into the fold of "anarchism", you are only driving every moderate into the fold of extremism. It may be that this is your wish. You think it is easier for you to meet the revolutionary forces by your revolutionary methods. But, Sir, if you want to be as good as your boast, if you want that the civilized world should take you to be gentlemen, if you want that the people of India, such of those moderates as still have faith in you, such others as have come to this House to give you a chance and taken the oath of allegiance to the King of England, if you want that all sections of our people should really think that you are as good as your Burke and your Macaulay and your Morley have represented you to be, then you have to change your method, then you have to release the political prisoners straightaway and bring to trial those who are guilty in your estimation and concerning whom you have incriminating documents in your possession. So much for the political prisoners of this country.

What about the exiles? Sir, the method adopted by this Government reminds me of the method adopted by the Austrian Government in Italy. The best of Italian patriots had to go abroad. Mazzini had to go abroad even as Hardayal is living as an exile in a foreign land. There are also numerous other friends in exile who ventured greatly because the cause was great. The Government have adopted the method of the Russian despots, those despots of history who sent the patriots of Russia to the marshes

of Siberia. Lenin was one of them, and Lenin's brother Alexander was hanged in his teens. Russian is the manner in which the English Government is treating our best people, putting its head into the sand like the ostrich, forgetting that the Czars have gone, and that spiders weave their webs where the Czars once ruled, forgetting that Italy is free, and that the Austrian despots have gone out of existence. History will repeat itself. Even Britannia which rules the waves cannot very long rule a people who are determined to be free.

In conclusion, if you are playing the game, as you say you are playing the game, if you are lovers of liberty, as you say you are lovers of liberty, if you are preparing the country for responsible government, as you say both in season and out of season that you are preparing the country for responsible government, then do not be dishonest, inconsistent and insincere; be as good as your word, release the political prisoners, create an atmosphere of good-will, because in that atmosphere alone is there any chance for further negotiation, for a better understanding. I am anxious, Sir, that there should be a better understanding, but there cannot be a better understanding so long as the Government are following a dishonest policy, utterly dishonest because they say, "We want good-will," they say, "we want co-operation, we are genuine about co-operation." If you are so genuine, if you are so keen about co-operation, then accept this Resolution which is the first condition of co-operation. If you do not accept this Resolution, you proclaim yourselves to the world as frauds of the first magnitude.

Colonel J. D. Crawford (Bengal: European): Sir, I have listened to the impassioned oratory of my friend, Mr. Ranga Iyer, with attention, but whilst he was busy smashing up the Government furniture I saw flash across his face that smile which one knows so well in the lobby, and felt that really even he was not sincerely convinced of what he was saying. I have also listened to the words of the Honourable Member moving the Resolution, because I was anxious to see, since this matter was last discussed, whether there were any fresh reasons which might enable us to look upon the position of political prisoners differently from what we did last time; and none of the speakers have produced one argument, or one shred of evidence which inclines me to change my mind. Admittedly, the Honourable Mover of the Resolution said that the atmosphere was now calmer and cooler. That, Sir, I believe is a fact; I believe it is a fact which is largely due to the measures which Government have taken and upon which I feel they are to be congratulated. (*An Honourable Member*: "Question".) I only wish that this House could congratulate itself by saying: "We too supported the Government; we saw the necessity; we admitted that there was a revolutionary party, that there was trouble, which the ordinary courts of law could not deal with, and therefore that, as in other countries, we too, repugnant though extraordinary measures must be to all decent-minded men, find ourselves forced to take extraordinary measures; and the moment that the situation is cleared up, and our extraordinary measures have had their effect, then and then only will be the time to consider our attitude towards those who came within the clutches of that measure". I feel and I noticed this during the course of conversations which I constantly had with Indians on this question that there are many who say that the position . . .

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): On a point of order, S.r. Is the Honourable Member justified in disclosing private conversations that he had with Members?

Mr. President: The Honourable Member is not justified in referring to specific private conversation he had outside the House, but he may refer to it in a general way.

Colonel J. D. Crawford: I made no mention of conversations which I had with Members. I said in conversations which I had with Indians on this question at times I have realised that there is a feeling that possibly the Government could now bring those prisoners who are detained without trial in front of the court. They say there have been, since we last met, cases brought in front of courts in which you have attained convictions. you have produced your witnesses and they have not been intimidated. Therefore, why not now produce all these men in front of courts. That is an argument which is so reasonable that it appealed to me also to a certain extent until I examined and took the trouble to find out the facts regarding the particular cases in which witnesses had been forthcoming. I found that in those cases the witnesses were what I might say fortuitous witnesses, that is to say, they were the ordinary men in the street who had been present at some commission of crime in the open and that these men had come forward and given their evidence as ordinary citizens in front of the court. But when you have to bring evidence against men who are at the back of a conspiracy, who are themselves not prominent in crime committed in the open, when you have to rely on sources of information which are secret, then you cannot bring forward that information in court until you are certain that your conspiracy is entirely broken. (*An Honourable Member:* "What is the good of having any laws at all?") If Members will give me an opportunity may I tell them of the position in the Free State. The Free State of Ireland is my own country and they have been forced to do what? They have been forced to intern without trial 12,000 men and when they were asked to release those men

Mr. Devaki Prasad Sinha: It is a damn shame!

Colonel J. D. Crawford: It is a free country, Sir! When they were asked to release those men they said: "We cannot release these men until the conspiracy against our free government is absolutely broken". That is the actual position. Have we to-day any evidence to show that this conspiracy which we all deplore—you deplore it as much as anybody else, you have no wish for violence,—has subsided? Have we now sufficient evidence to show that it has so broken up that we can produce evidence from our private sources of information and bring these men to trial because we no longer want them? I cannot believe that that is the position. That is my opinion on the question. Supposing that we have got the good-will, which I honestly believe Mr. Ranga Iyer wants and which I think is growing, and go to Government and ask them to grant an amnesty. What is the experience of amnesty of political prisoners? What happened in your amnesty in 1912? There was a recrudescence of your revolutionary movement the moment you let out your political prisoners. What happened, again, in 1919 when once more you granted an amnesty? A recrudescence of your revolutionary activities. And what will happen

again now if you granted another amnesty? A recrudescence of the revolutionary conspiracy. Now, that revolution is not a thing of which any firm and stable Government need be particularly afraid. But who are the people who would suffer from the deeds of these revolutionaries, misguided men as they are? It is the ordinary citizen, the citizen in the street, and it is our duty in this House to stand up for the rights of the ordinary citizen and give him the protection before we consider those misguided men who adopt methods with which none of us in this House agree. Until we are sure that we have this conspiracy crushed once and for all—an amnesty will only mean that it will be again built up—we are not yet in a position to plead with Government for a general amnesty for political prisoners. So far as my own community is concerned, I feel that our position is this. We supported the Government with regret in the adoption of this extraordinary measure; the measure is now with the Government; the responsibility is with the Government. We see nothing but that the Government in the due exercise of their responsibility must in their own good time consider whether clemency should or should not be shown.

Pandit Sham Lal Nehru (Meerut Division: Non-Muhammadian Rural): Sir, I had no intention of speaking to-day, but Colonel Crawford having reminded me of General Dyer's activities in 1919 I should like to say a few words. Colonel Crawford has been talking of Ireland, his own country, and telling us that many people were interned there without trial, and that even Ireland, a free country, had to act in that way. May I ask him if those persons are still in jail in Ireland? Besides Colonel Crawford has forgotten that India is India and Ireland is Ireland. In India the Government is alien, in Ireland it is their own flesh and blood who rule them. In India the police manufacture evidence; in many cases they are made to manufacture evidence by superior officers. Does the same thing happen in Ireland or England? No. We all know, and so do the Government, that these political prisoners now in jail have gone there, many of them deliberately, and others on manufactured evidence. As I told you in Simla, Sir, I know of many cases convicted in the courts on manufactured evidence. I gave you a small list of these cases in Simla, and can give you a longer list now, but I am not going to take time of the House unnecessarily. I can only say that most of the persons now in jail have been sent there on manufactured evidence. Besides, the people who have gone there deliberately by breaking the lawless law of 1921, are still there although that law has been withdrawn. What reason have Government now to keep these persons in jail? None whatsoever. I am not asking the Government as a favour to let them out, but I stand up only to bring to the notice of my friend, Colonel Crawford, that things are done in India which dare not be done in England or Ireland. I say dare not, because the Government there is afraid of the people, while the people here are afraid of the Government's machine guns.

Syed Majid Baksh (Burdwan and Presidency Divisions: Muhammadian Rural): Sir, I feel considerable embarrassment in lending my support to a Resolution like this, which is grounded on such an impregnable bedrock of justice and higher ideals of humanity that to commend it to an assembly of civilised people like this (*Some Honourable Members*: "Question, question.") would be according to an Indian proverb, "showing up the

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sun with a torchlight." I was requested by my Honourable friend, the Mover of the Resolution, to say something about this Resolution because I happened to be one of those who was present, who was an eye witness of one of those memorable orgies of police raids carried out in Bengal on the fateful night of October 28th, 1924. I do not like to go into much detail, but I should say, so far as I remember, one night we were sleeping in a house which was the office of the Swarajya Party in Bengal. Suddenly on that night we were awakened by a thumping sound on the stairs and found that we were faced by a white person, revolver in hand like, if I may use the expression, a gaping monster ready to suck our blood. We could not understand what it was about and we were then informed that an Ordinance had been promulgated by His Excellency the Viceroy. I would like to remind you of the situation. Not even the C. I. D. officers knew before 12 o'clock that night what was going on, so secretly were the plans of the bureaucracy arranged. Not one man, except perhaps the man at the helm, who was to run the show, I mean Mr. Tegart, knew of the affair. If the revolutionaries were about their revolutionary propaganda collecting arms and ammunition, they could not have been informed, even if they had friends among the C. I. D., of the proceedings that were to happen that night, so that they could remove any arms in their possession. What was the result, Sir? Not a single cartridge, not even a speck of gunpowder was found. A revolutionary society existed in Bengal indeed. Well, Sir, if it existed, it existed in the dream-grottos of the imagination of the bureaucracy. Well, we were locked up in that house and not allowed to stir, not even allowed to cook our food till 3 o'clock that day, and the police went about searching the subscription lists of Congress organisations in the house. So much was the courtesy shown to us by the police. Two Legislative Council Members residing in that house were spirited away the night previous. If you analyse the results of the previous voting, you will find there was a majority of two Members. The Swarajists had a majority of two; Government had a minority of two, and this coincided rather mysteriously with the removal of two Members from the Swarajist group. From this you may guess which way the wind blows. I believe it was more concerned with the Swarajist activity in the Bengal Council than with the discovery of revolutionary activity in Bengal. I know, Sir, that when the British taught us the principles of freedom, when they established schools here, we were reminded of very fine persons in England who had given up their lives in the cause of freedom in England. We were made to read of Elliot Hampden, Algernon Sydney and others. We are proud to remember that we were made to learn those things because the example they have set us will lead us on to achieve freedom like them in our own country in spite of what the pioneers of freedom in this country can do. Sir, I quite agree with some of my friends over there who honestly believe, like Mr. Cecil Rhodes, that this world was created by an Anglo-Saxon God for the benefit and enjoyment of the Anglo-Saxon race. I quite see their point, and I sincerely believe in their honesty of purpose in having that belief. However, Sir, we have to submit with all the humility possible in us that the God that created the Anglo-Saxon race created us as well. (An Honourable Member: "Question.") (Mr. M. A. Jinnah: "Question.") Well, it may be questioned, from the Anglo-Saxon point of view it may very well be questioned and it is being questioned all over the world;

in South Africa and elsewhere it is being questioned but the question is also nearing solution. This perpetual question that has been raised is also nearing solution. However, that is another matter. We claim the same right of living our own lives in our land as you claim in yours. What objection have you to that proposition I should like to know. You, Sir, fought your battles of freedom. (*A Voice*: "Question".) So do we propose to do, violently or non-violently we do not care. Our leader has taught us to fight non-violently and we will go on with it but never dream that if that effort of ours fails we will stop at that. I may not be living at that time; you may not be living at that time; but the day is nearing, you need not doubt that it is nearing very fast, and that hour is coming.

Sir, I will go back to affairs in Bengal again. Eighty places were located by the police and searched but nothing was found. Of course no gunpowder was found, but people were found who were suspected, or rather who had the smell of gunpowder about them, and they were spirited away, they were thrust into jails. It was said they would be tried, they have never been tried. Sir, I really do not see why, after repealing the infamous Rowlatt Act, the very same provisions were promulgated under the Vice-regal Ordinance and enacted of course by the process of certification in Bengal again.

Mr. M. V. Abhyankar: That is the art of Government.

Syed Majid Baksh: Did you at that time sincerely intend to abolish that Act? I sincerely hope that you will be sincere at least in your professions and your practice. Do not say one thing with your mouth and harbour something else in your heart. That is not the way to have "more sympathetic understanding, more widespread trust and more universal goodwill". However much you may preach, an ounce of performance is worth tons of profession. I may remind you, Sir, of certain other things that happened before. You may very well remember that after the Sepoy Mutiny was quelled, what did Lord Canning do? He did not go on persisting in putting people into jail. He solved the question with a stroke of the pen by declaring a general amnesty, and therefore he is known in history as Clemency Canning. And from that noble act of his this movement has subsided for ever. Do you want to abolish this revolutionary movement? If you do, extend the hand of good-will to these people who are lovers of freedom and therefore possessed of very generous hearts. They will appreciate your act, if you are only sincere, and this one gesture of sincerity will make them also sincere in their own actions. I do not certainly know whether it is a civilised method of trampling down the laws which you yourself enact. I do not know whether it is quite worthy of a civilised people. I should say, from the various things that you have been doing and the various innovations which you are introducing into the criminal jurisprudence, that the very fathers of the science of law will turn in their graves before this civilised method of yours. They will say that this was more civilised than they ever could have imagined; they will say "Better savages far than civilised people like these". Sir, I cannot understand why Englishmen who profess so much sympathy for liberty at home forget these professions as soon as they pass those fateful white chalk cliffs of Dover which they have to pass when they come out to India. In India they become different men. In India they assume, in the words of one of their great politicians, the tiger qualities. We have had enough of the tiger qualities. It is said that man is a combination

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of the tiger qualities and the qualities of the man. Well, that may be so; we have seen your tiger qualities; we want to see your manly qualities at present. We want to see you extend your hands with more manliness than you have hitherto done. These people fought for an idea. They expressed their idea; they had the courage to say that they desired to be free. May I know under what sections of your law a desire to be free is a crime? They simply expressed their desire for freedom and for this desire they have been punished; and you say that you have punished them in order to protect us from them. Colonel Crawford does not say that he wants to protect himself from these people; he wants to protect us from them. That is another instance of your having one thing on your lips and another in your hearts. You want to put them down because you know or suspect that they are a menace to your Empire. They are not a menace to your Empire. Treat them kindly and they will be greater bulwarks of your Empire than you have ever had in India. Have a little more sportsmanlike spirit in dealing with people who oppose you, a more sportsmanlike spirit, a more chivalrous spirit in dealing with people who wish to meet you on equal terms, who wish to sit with you on equal terms. Do not be vindictive, do not give expression to your little minds; as has been well said by one of your great men, great Empires and little minds go ill together. If you make your minds small your Empire will become smaller still. Show a little broader spirit if you wish to deal with these people, and you will find that the bugbear of terrorism, of which you are so much afraid, of which you make a plea to exercise this tyranny under the garb of protecting all the citizens, you will find that this bugbear, which has led you to such sorts of terrorism, will vanish. You will find after their release from jail that they are a quite different people from what you thought them to be. Extend your hand of fellowship, extend your hand of friendship if you wish that the revolutionary spirit which you say is stalking the land should cease to exist and become extinct.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadian Rural): Sir, I was very sorry to hear the words which fell from the lips of my Honourable friend Colonel Crawford that he had heard nothing to change his mind. If that should represent the mentality of our European colleagues here, I should certainly greatly deplore it. Sir, I desire that this House should approach this question from a somewhat loftier standpoint than that which induces, or which may induce, a mechanical mind to take stock of losses and gains. Sir, if I stand here to-day to lend support to the Resolution before the House, it is not in the first instance in the interests of those who are suffering in the prison houses of India, but it is to free, if I can, if this House can, the good name of those who are responsible for keeping these men in the prison houses; it is to lessen the blemish that tarnishes those who are responsible for throwing these men into prison. It is because we do not desire that we should be parties to this great shame being any longer perpetuated that I desire to support this Resolution. These great men, good in their own way beyond doubt who have made tremendous sacrifices from their own standpoint do not care whether they are inside the prison or outside. Mother India with her 350 millions, every one of us, is in prison. Fettered is the whole of India, and it does not matter if a few less or more men have extra chains on their feet. It is said they are revolutionaries; that they wish to destroy the present Government. But we all wish to bring about this revolution. And

mark here, we are all of us revolutionaries, gentlemen sitting on the opposite side as well as on this side, are all revolutionaries; we are determined that the present system of Government must go. The Act of 1919 has declared that the present system must go. The revolutionaries desire nothing more, nothing less, although they may be a little more fearless and a little more determined to give vent to their feelings in order to bring in the new Government which they want very soon to replace the present Government. Yes, all of us want a change. This Government must go. The faith in this Government has gone. Now, what is the crime of these revolutionaries of which Colonel Crawford made so much? It is said that there is a revolutionary conspiracy in India, a revolutionary movement in Bengal. What is the size of it, what is the extent of it? And he says that until that movement dies, the time will not come for us to think whether these people ought to be let out of jail. Do you ever imagine that, so long as you have a despotic Government in India, so long as you only talk of generous gestures but do nothing substantial, so long as you are determined to be despotic, so long as you are determined to sit tight and indifferent, so long as you do not wish to move even constitutionally towards the goal which India wishes to reach,—do you expect that in this huge land of 350 millions there will not be at any time even a few who will not indulge in revolutionary ideas? Is there any land under the sun where there are not some revolutionaries even now? Are there no revolutionaries to-day in England? Are there no revolutionaries in Europe? Then, why should there not be a few revolutionaries in India? Yes, the surprise is that, in spite of the deep discontent of the people of this country, there are so few revolutionaries in this country. It is surprising to hear the argument that there are a few revolutionaries in India. There ought to be a very much larger number of revolutionaries in India; the surprise is that they are so few.

Sir, we should look at the whole situation from a very much loftier standpoint,—and I for one in this House wish to declare my unfailing faith, in spite of all your violence, in our non-violence, my unfailing faith that the cause of freedom is bound to triumph.

Sir, just two or three days ago I went to look up the buildings rising in Raisina, where we or our successors are to be located some time hence. What did we see there at the gate? What emblems of peace? Anything to show the wonderful civilization that you have spread? I found some 4 or 5 awe-inspiring guns at the entrance to the new Legislative Chamber that is being built in Raisina. Is it your idea that law makers ought to be so protected? Is that why you have all those awe-inspiring guns? They did not inspire awe in me at any rate. But that is the power on which you rely. Violence ought to beget violence. How dare you come and claim that you deserve non-violence from us? It is through our goodness, it is through our faith in non-violence, it is because we are a far more spiritual people than the people in England are or can be for a long time to come, that we do not want to meet all your petty game with petty game. But in a land of 350 millions there ought to be some few certainly who can not appreciate the higher goal. I for one want to support this Resolution in the Government's own interests and for its fair name. Colonel Crawford will not come to ruin by the machinations of the revolutionaries in Bengal. Even if he does, he must honestly and cheerfully pay the price. It does not matter. I am not afraid. Nobody need be afraid. The revolutionaries cannot fire their guns at a peaceful and non-violent man. Because you

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are so violent, therefore you are afraid. We are not afraid. We are not afraid of your guns. We are not afraid of the huge guns of the British Army. Therefore, Sir, I want this question to be approached in a newer spirit, in a higher and loftier spirit. We do not want it to be forgotten that the revolutionaries are honourable men. They may be a little misguided. I do not hold here a brief for any one of them. But if you have got real proof of their guilt, why don't you bring them to trial? We know, and many on the other side also know, that very often for mere suspicion these people have been put in jail. Who can say that anyone is a real revolutionary? Who can say that the suspicion of my friend is not unfounded? I cannot prove the unprovable. I cannot prove the non-existence of non-existence. We challenge the statement that there is any revolutionary movement. You do not come out with your proofs. If you come out, the Bay of Bengal will not rush up to the Himalayas. If it ever does, are you here to stop it? How can you? These people have been rotting in jail for 18 or 20 months. You have not brought any charge against them. They are men more honourable than some of the men on the other side or anywhere else in the world; Subhash Chandra Bose and men of his kind are. It is unfortunate that Englishmen, liberal men in their own land, the moment they cross the Suez Canal become at heart as black as black can be. It is unfortunate that during the time of a Liberal Governor of Bengal and a Liberal Governor General of India, this blackest of black Acts of Bengal, the Criminal Law Amendment Act, has been brought into existence. The other day I tried to save the reputation of His Excellency the Governor General a bit. I wanted that this Act should in some way be modified. I wanted to send in a Bill to that effect. I was asked to apply for sanction and I applied. I wanted His Excellency's name to go down to posterity a little less blotted than it now is. But His Excellency would not let me. He would not give the sanction. If he had, I should have brought in an amendment to impose some time-limit on the detention of these men. They have been in jail for the last 18 months and there is no prospect of their being brought to trial. Colonel Crawford wanted me to understand that that is necessary in the interests of the country's peace. But why this eternal secrecy? Why are the Government so afraid to come out with the truth although this is an all powerful Government with huge guns and crores of rupees. During these 18 months they have not brought an open charge of conspiracy even against a single detenu of Bengal. This is a question which Government will have to answer before God and man. What is the use of your coming and saying that the situation has not changed? It will never change. You are afraid of shadows. How can we get rid of your ~~feet~~ shadows? It is impossible. You have got a Department which manufactures ~~all these~~ shadows. They are responsible for it. That is the general talk. There are many people more competent than myself to speak to that. I know to some extent what the mentality of a policeman is and of district officers; I have some experience of it; but I shall not relate it now. What ~~is~~ their mentality? They are ready to believe anything that a policeman ~~says~~ and tells them, ready to believe anything against an Indian. That fear must go. If it is true that you want the great questions of liberty and constitutional progress to be dealt with in a higher and nobler spirit, show yourselves that better and nobler spirit. We do not find that in the verbal tiltings of His Excellency. Those verbal tiltings may help His Excellency dialectically or may help others, but they are unworthy of statesmen, unworthy of politicians, un-

worthy of men who walk in the fear of the Lord. I am a religious man and I do not therefore mind what these worldly-wise men say. I want to approach this question from what I call the truly religious standpoint. You put the greatest man in the world in chains. He has not shown any anger towards you, he has forgiven you. If these men, many of whom are great and good men, though there may possibly be some who are less great, should be liberated to-morrow, they will forgive you, they will forgive this erring Government, this mistaken Government. Therefore, Sir, I want that this question should be approached not in a petty spirit not in the fear, "Is there crime or revolution?" There will always be some crime and revolution. As I believe, proportionate to your autocracy there is no crime in this land at all. Your autocracy deserves to be met by 1,000 times the magnitude of crime that now exists; and if it does not exist in that magnitude, it is not because of your police, but because of our goodness, not because of your armies, but because of our innate good nature. We believe in a higher law, that England has come to India to be taught, to be civilised, to be shown the higher path which she has not yet learnt. We shall forgive you for the very many crimes that you have committed, forgive you for placing these men in fetters and putting them to all these indignities. Remember that you will have to answer sooner or later, sooner than later, a higher person for all these. There is no use in my Honourable friend, the Home Member, writing a letter to the Madras Government and their formally replying that these prisoners are well taken care of, that everything is all right with them, and so on and so forth. We know the nature of these answers; these formal inquiries do not carry us very far. You will say these men are taken care of very well, till they die. You will say that they are in excellent health, are furnished with everything that their status may warrant, till they die. These are formal replies that carry absolutely no weight. I do not blame the Honourable the Home Member for it, because probably he cannot do anything more under the present system. Therefore, change the system, do not put these men in chains at all. That is the whole remedy. If you once put them there they will be tortured, ill-treated; they will not be given good treatment; and it is impossible under your present system to set matters right. Therefore, the only remedy is to trust the people, to trust these men. They are noble men, men of noble ideals. They want to see their country, their motherland, free at the earliest possible opportunity. All your fetters, all your tortures, will not daunt their hearts, will not daunt their minds; and the history of the world will tell you that it is so. What will change them? Kindness will change them. Better treatment will change them. Revolutionary conspiracies in Bengal will go, not through your Acts at all, but through better treatment, better response to the national demand which unfortunately, Government do not see their way to make. Therefore, Sir, it is unfortunate that men should approach this question from the petty standpoint of "Is there crime?" There is bound to be crime, but the men that are punished may not be the criminals. It is very often the case that one man robs and another is put into jail. That is the ordinary thing,—some one robs and some other man is put into jail. That is the British course of justice in this land, with which we are very familiar; and therefore most men, whenever they have lost anything or when any robbery takes place, give no information to the police. Before they get back the lost property they will be put to infinite trouble by the police and the complainant will be made to spend a lot before he gets back any of his lost property. That does not improve matters. I therefore wish to appeal to

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this House that it must consider this matter from a larger standpoint. Here we are at the beginning of a new era. We want to inaugurate a newer era of peace and good-will so that England and India may march onward to the goal of higher progress. We must honestly work hand in hand. Trust begets trust. Fetters never beget trust. Repression never begets trust

Mr. President: The Honourable Member must now bring his remarks to a close.

Mr. M. K. Acharya: I have finished, Sir. I only say that this matter must be looked at from a higher standpoint, not from the point of view of the policemen but from the point of view of statesmen controlling the destinies of a great nation.

Mr. T. C. Goswami (Calcutta Suburbs: Non-Muhammadan Urban).
Mr. President, I should have certainly preferred to wait

Mr. President: The Honourable Member need not have risen. He was not bound to do so.

Mr. T. C. Goswami: Surely, Mr. President, you know that invisible communications do sometimes pass from the Chair. I was told that the arrangement of debate would be facilitated if I formally placed before the Assembly the amendment that stands in my name. As I was saying, I should have certainly preferred to wait to hear if the Home Member had discovered any further arguments—or, shall we say, excuses—in defence of the continued detention of people against whom Government are not prepared to proceed. I will read my amendment, which is as follows.

“ That for the original Resolution the following be substituted :

‘ That this Assembly recommends to the Governor General in Council that he be pleased :

- (a) forthwith to secure the immediate release of all political prisoners detained without trial;
- (b) to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may be or may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India;
- (c) to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to Court.’ ”

Now, I must explain why I propose this amendment. It is not because I am not in sympathy with every word that is contained in the original Resolution, which has been so eloquently moved by my Honourable friend, **Maulvi Muhammad Shafee**. It is because when I saw the Resolution on paper I felt that two distinct issues had been brought within the scope of one Resolution,—the political prisoners who have already been convicted, and the political prisoners who have not been convicted by any court. Now in the case of convicted prisoners their release is technically a question of amnesty, whereas in the case of persons who have been detained without trial (and, what is far more appalling, without even charges having been formulated against them), I submit that is a matter of elementary jurisprudence, a matter of elementary human rights. Not that I have not sympathy and in some cases great respect for some of the political prisoners who have been convicted by what are called competent courts. First of all, I know—and the country knows well—that the judiciary in

India cannot be relied upon. Indeed prostitution of the judiciary for 'Imperial' ends has passed on even to the sacred precincts of temple of justice at Westminster. I would only remind you of Lord Justice Darling's charge to the jury in the Tilak case and the still more obviously unjudicial conduct of Mr. Justice McCardie in the Sankaran Nair case. There is another reason why I really lend my moral support to that part of the Resolution which is omitted in my amendment and which demands the release of political prisoners who have been convicted; and that reason is this,—that I do not regard it as necessarily immoral for any Indian to seek to effect a change in the present Government by violent means. I do not regard it as *immoral*. Political reasons of expediency may dictate a course of action which is not a violent course. My object in bringing this amendment before the Assembly, therefore, is simply this,—that the two issues which ought to be separate have been jumbled together in one Resolution.

Colonel Crawford, who, I understand, is the official Secretary of the European Association, may be forgiven for having amused this Assembly by solemnly affirming a proposition which is unknown alike to jurisprudence and to logic, that it is for the man who denies to adduce evidence. As a matter of fact, this House awaits the Home Member's speech, to see if the Home Member has any more evidence to place before this House. I do not care, and here I repeat something which I have said before—I do not care how high the authority is of the man who has examined the cases of these political détenus on mere reports. I do not care whether he has been a Chief Justice anywhere, or a Lord Chancellor anywhere. I do not care whether he is or has been a Judge of a High Court. For any one to say that a man detained without trial with no charge framed against him is a criminal, is a most preposterous proposition. I shall also wait patiently—but probably in vain—for the new Law Member who is conspicuous by his absence here; because the new Law Member of the Government of India, more than a year before the promulgation of the Ordinance, at a public meeting in Calcutta, where he was heckled, said, "I have got the list of suspects in my pocket". I want him, contrary to the prudent tradition of his two immediate predecessors, to defend in this popular House, if he can, the action of the Government in continuing to imprison people whom we all, the whole country, believe to be honourable men, innocent men.

We have heard again to-day, as we have heard so often before, the callousness with which Members of the Government speak of the treatment that is meted out to these State prisoners. I repeat what I said this morning. Some of the State prisoners are used to comforts as good as the Home Member ever enjoyed. Even Regulation III of 1818 lays down that, in the case of State prisoners, they shall be given all the comforts to which they have been accustomed in their ordinary life.

There is another point in my amendment which seems to require explanation; and that is why I want only the *Indian* exiles in foreign countries to be allowed to come back. When I drafted this amendment, I did have in mind the cases of non-Indian friends of India who had been exiled. But, just at that time, Mr. B. G. Horniman had managed to come back to India, through what has been described as a "Passport miracle"; and his case was the principal case amongst those of non-Indian friends of India who had been exiled. With regard to Mr. B. G. Horniman, I think I ought to refer to what passed between myself and the Under Secretary of State for India in London.

The Honourable Sir Alexander Muddiman (Home Member): Is the Honourable Member in order in referring to a non-Indian? No doubt we should like to know what he has to say about the return of the Indian exile.

Mr. T. C. Goswami: I want to explain why I am excluding the non-Indian exiles. In the case of Mr. Horniman, the Government of India here had said that it was the Secretary of State's office in London which was preventing his return. In Whitehall, they affirmed that it was the Government of India who were preventing his return. And so I was obliged to tell the Under-Secretary of State that the two contradictory statements could not both be true! I am glad that the Government have not made further difficulties in the way of Mr. Horniman's return, and I think they have discreetly allowed him to come, saving what they call their prestige. With regard to the Indian exiles, there are principally two classes: the class mentioned in this Report—the Rowlatt Committee's Report, the Sedition Committee's Report, 1918—most of whom are in Europe; and the second class,—those who have been deprived of their American citizenship by a decision of the Supreme Court of the United States of America. We have reason to suspect that behind that decision was political pressure by the British Government.

The Honourable Sir Alexander Muddiman: In which class did my Honourable friend include Rash Bihari Ghose?

Mr. T. C. Goswami: Sir Rash Bihari Ghose? I do not know the case of Rash Bihari Ghose. (*Voices:* "Bose, Bose.") Well, these Indians who have been deprived of their national status in the United States are not allowed to return to India. The case of Dr. Sudhindra Bose has been raised several times in this House. But Government are not yet in a position to say what nationality technically these people who have been deprived of their national status in the United States now belong to.

So much with regard to the terms of my amendment, except that I should like to point out that clause (c) has special reference to a provision in Regulation III which decreed that in those dark and perilous days of 1818 a man could be spirited away if Government thought that he was dangerous but had not sufficient evidence to bring them to court. I hope, in this more enlightened age, they will proceed against suspected persons according to the ordinary law of the land, and go to court with evidence, and take their chance. The Special Tribunal which has been constituted in Bengal by the Ordinance Act—which I do not consider as law, because it is really a violence against law,—is regarded with great suspicion. First of all that Tribunal has not been employed except in very few cases; and in a recent case in Calcutta that Tribunal was found to be notoriously and grossly partial.

The Honourable Sir Alexander Muddiman: Is my Honourable friend in order in reflecting on a judicial trial?

Mr. President: What has the Honourable Member got to say about the point of order?

Mr. T. C. Goswami: My submission is that, as the matter is not *sub judice*, I have a right to comment upon it.

Mr. President: I am afraid the Honourable Member is entirely wrong. No comments reflecting on the conduct of Judges are permissible whether the case is pending or disposed of.

Mr. T. C. Goswami: Then I can criticise the judgment.

Mr. President: Yes.

Mr. T. C. Goswami: I think that judgment is a most atrocious judgment.

The Honourable Sir Alexander Muddiman: The judgment is certainly under appeal in the High Court. Do you consider it right that the judgment should be criticised?

Mr. President: Criticisms of judgments are permissible in so far as they are possible without reflecting on the conduct of Judges.

Mr. T. C. Goswami: Then I say that that judgment is preposterous.

I will remind the House of an incident which recently took place. I am sorry I am taking a lot of your time. (*Honourable Members:* "Go on").

Mr. President: I am afraid the Honourable Member has already exceeded his time limit. Will he bring his remarks to a close?

Mr. T. C. Goswami: May I make one more remark, Sir. I will refer to the Willoughby Carey incident in Calcutta. Sir Willoughby Carey was a colleague of ours in the last Session. (*Honourable Members:* "He is here"). I apologise for having made a mistake and thinking that he is no longer a Member of this House. Well, the Honourable Sir Willoughby Carey approached a Member of Parliament who was recently on a visit to Calcutta and volunteered (this is a public matter) to accuse everybody—Mahatma Gandhi, the late Mr. C. R. Das and others—of revolutionary conspiracy. Then Mr. Johnston said that he had taken down what he had said, in writing and if Sir Willoughby Carey had the courage of his convictions he should allow one of the leaders of the Swaraj Party in Bengal to meet him in the presence of himself and Mr. Sime, and substantiate the charges, which were very wide. And Sir Willoughby Carey—shall I say—"funked" it.

The Honourable Sir Alexander Muddiman: May I point out, Sir, that it seems to me rather a difficult position. If a Member of this House is to bring a personal charge against another Member of this House, he ought to give him notice. Did my Honourable friend give notice?

Mr. T. C. Goswami: This is a public thing. Mr. Johnston has times without number referred to that matter in the press, the matter has been freely discussed in the press, without any sort of disclaimer from Sir Willoughby Carey; and I am surprised that the Home Member does not know about it.

The Honourable Sir Alexander Muddiman: My point has been entirely misunderstood. Sir Willoughby Carey is a Member of this House and a personal charge is made against him. He is not here to reply for himself and I know nothing of the matter. It is not a matter with which Government are concerned. It is a personal charge and I suggest to you, Sir, that when one Member of this House desires to bring a personal

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charge against another Member, it would be in accordance with the dictates of courtesy and good feeling that he should give that Member notice that he is doing so in order that he might be in his place.

Mr. T. O. Goswami: The matter has received such wide publicity

Mr. President: It is very desirable that a Member against whom insinuations are made should be present here, but it is very difficult for the Chair to give a ruling on this point, because occasions may arise when on the spur of the moment Members may have to pass criticisms on the conduct of Members of this House, and it is not always easy for the Chair to lay down general principles on that point.

Mr. T. O. Goswami: What I was driving at was this. Colonel Crawford was here when I rose to speak, but he is not here just now. (*A Voice:* "He ought to be here".) Yes, he ought to be here. Colonel Crawford said several times, "We were forced to take severe measures". Who are the "we"? It is a significant "we"; it is a conscious "we". I submit that, at any rate in Bengal to-day, as things have degenerated there, the Government and the European community form a clique, and that between the Government and the non-official Europeans there is a liaison which we all heartily deplore, because, as I have said before, there is a suspicion that the Ordinance was conceived in consultation with the non-official European community of Calcutta.

The Honourable Sir Alexander Muddiman: The Honourable Member will accept my statement that that is an entire untruth. The Ordinance was not drafted in consultation with the non-official European community, and I will ask him to withdraw that statement.

Mr. President: I think the Honourable Member ought to accept the statement of the Honourable Home Member.

Mr. T. O. Goswami: I would like always to accept any statement from the Honourable Sir Alexander Muddiman. But the circumstantial evidence was rather strong.

Mr. President: I have already reminded the Honourable Member that he has exceeded his time.

Mr. T. O. Goswami: Yes, Sir, I will obey your command and the call of Luncheon.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

Mr. President: It has been brought to my notice that some misapprehension exists in the minds of some Honourable Members regarding the ruling I gave on the point raised by Sir Alexander Muddiman regarding the question of how far personal charges can be permitted against Members in this House. I desire to make it quite plain that no personal charge can be made by one Member against another in this House, whether that other Member is present or is absent. The question whether

a particular statement amounts to a personal charge is a question of fact for the decision of the Chair in each particular case. But references to the conduct of Members of this Assembly as public men are permissible, and the speech of the Honourable Member from Bengal was a sort of reference to the conduct of Sir Willoughby Carey as a public man in connection with the incident to which he had referred. Sir Willoughby Carey was given a public challenge which he did not accept and the reference made by the Honourable Member from Bengal was to that particular incident. That reference did not, in my opinion, amount to a personal charge and was therefore permitted. But I desire to make it perfectly clear once again that no personal charge by one Member against any other Member of this House, whether he is present or whether he is absent, will be allowed, and references to the conduct of a Member as a public man may also amount to a personal charge. It is, of course, a very difficult question for the Chair to decide in each particular case.

The Honourable Sir Alexander Muddiman: Sir, before the debate proceeds, I should be glad of your ruling on the procedure to be adopted. The position is that a Resolution has been moved and an amendment narrowing the scope of the Resolution has been moved. I only wish to know whether, in your discretion, you decide that the debate may now proceed both on the amendment and on the Resolution, or whether it is your intention to take the amendment separately.

Mr. President: The course I propose to adopt is this: I propose to have the general discussion both on the original Resolution and on the main amendment which the Honourable Member from Bengal has moved, and then ultimately to put the question

Lala Duni Chand (Ambala Division: Non-Muhammadian): Sir, it gives me the utmost pleasure to lend my humble support to the Resolution which has been moved by my Honourable friend Maulvi Muhammad Shafee. It is a Resolution that is nearest to my heart and should be equally near to the heart of every one in this House who feels for the political prisoners and the Indian exiles living in foreign countries. At the very outset I want to make my position clear with regard to the amendment that has been moved by my Honourable friend Mr. Goswami, as he has made his position clear with regard to the Resolution itself. To be frank, I positively dislike the amendment and I shall have to like it only if it is forced upon the House. The amendment does not come up to the minimum demand that the country wants to make on behalf of the political prisoners and the Indian exiles. It is quite true that I have got the fullest sympathy with the object of the amendment, so far as it goes, but I want much more than the amendment gives and that is embodied in the Resolution itself. The framer of the Resolution has taken every possible care to see that this Resolution makes itself acceptable to the Members representing various views in this House. He has even taken steps to persuade the Honourable Members sitting on the Treasury Benches to see if they can entertain it. It is a business proposition and I want to deal with it in a businesslike spirit, and I also want the Government to enter into the consideration of this Resolution in a businesslike spirit. May I at once make it clear that I would not like the House to have this Resolution forced upon the Government in a spirit of non-co-operation or even in a spirit of defiance or obstruction. I want to have this Resolution accepted by this House and carried out by the Government in a spirit

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that is born of conviction of the justice of the claim of these hundreds of Indians. The Resolution, so far as I can see, is very moderately and reasonably worded. It divides itself into three parts. Clause (a) deals with that class of political prisoners and détenus who have not been convicted of any act of violence or who have not been charged with any act of violence. Now, so far as this demand is concerned, I cannot possibly think how any reasonable Indian at this late hour can have any exception to what clause (a) demands. The putting of hundreds and thousands of non-violent patriots into jails can be justified only in the case of extreme emergency. This, I say, is from the Government point of view; but as soon as that emergency is gone, I cannot see any legal or moral justification on the part of any Government to keep such non-violent patriots in jail. I cannot possibly understand how even a single Member of this House can give any good reason for detaining them any longer in jail. It might be said that this Resolution also wants the unconditional release of all those people who may be convicted tomorrow, though of non-violent acts, say, of sedition and similar non-violent offences. My submission on this point is that the benefit of clause (a) is intended to be given to the numerous class of prisoners who were put in jail during the active phase of non-co-operation in India. If the Government care even in the least degree for the good-will of the people, the least thing that can be expected of the Government is to let these non-violent people free. So far as the case of the détenus of Bengal is concerned, it will be futile on my part to address any speech on this part of the Resolution. This part of the question has been repeatedly discussed in the Council Chamber, in the Assembly Chamber and in other places, and the position of the Government has been made almost untenable but the Government want to persist in the wrong course that they have adopted. There is no other way for the Government to get out of it

After this, Sir, I come to the second clause of the Resolution which deals with the release under certain conditions of those political
 3 P.M. prisoners who have been convicted of violence. I know, Sir, some Members might think it is too much to ask without any conditions and bearing in mind the scruples of such gentlemen in the House the Resolution has been framed in such a way that it has been hedged round with such conditions that it might become acceptable to those who cannot see all the violent prisoners being released wholesale. The conditions laid down therein are quite reasonable. We want a committee to be set up and the committee should go into the case of all those political prisoners who have been held guilty of some act of violence, not with a view to sit in judgment upon the judicial courts that have pronounced judgments in the cases, but with a view to see if after a sufficient time has passed there exist any reasons to reconsider their cases, and whether, if not all, some of them can be released

I admit that clause (b) of the Resolution might not at once be applied to some prisoners; it may not be possible for the Government to give the benefit of part (b) of the Resolution to certain classes of prisoners; but at the same time it will be a very proper thing and it will be a very just thing on the part of the Government to give the benefit of this clause to another class of persons. Supposing there is a dacoity case with the result that certain people are held guilty of murders and other serious offences. I would not ask the Government to give them the benefit of clause (b). But there is

another class of political prisoners who have been rotting in jails for a long time. I cannot possibly see why the benefit of this clause should not be given to those people. I shall prominently mention, in my own humble way, with all the earnestness I have, the case of the martial law prisoners of the Punjab of 1919, and the equally deserving case of the Lahore Conspiracy trials held in 1915. There might be other classes of cases to which this clause might fitly apply. It does not mean that immediately the Resolution is passed the Government are asked to empty all the Indian jails of all the dacoits or murderers simply because they choose to call themselves political murderers or political dacoits. So far as the case of the martial law prisoners of the Punjab is concerned, I cannot possibly see how any Government with any claim to be called a civilised government could keep these people in jails. We know that in 1919 a very large number of people,—in thousands—were put into jails after nominal trials being held, which were given the name of martial law trials. A good many of these people were released after a time, and the country did appreciate that attitude of the Government. But out of them, about 80 are still being kept in the Indian jails. I want to put in the strongest plea on behalf of those people who are still in jails. I lay emphasis on the fact that they are martial law prisoners. We know what martial law is. Martial law is nothing but the negation of all law. In the interests of the State it might have been necessary at one time to enforce martial law; but to keep the martial law prisoners condemned for their lives in jails is contrary to all canons of civilisation. (*Mr M. V. Abhyankar*: "They do not claim to be civilised.") Sir, I will invite the attention of the House to a judgment which was delivered in the martial law case in 1919, under which as many as 20 persons were ordered to be hanged. I will read it to the House to show a specimen of the judgment and to enable the Members to form their own opinion on it. I should also like to ask whether all those people who are condemned by a judgment like the one I am going to read presently do not deserve any consolation at all? This is the judgment, Sir. I think a Judge in a small cause case involving say Rs. 50 or Rs. 100 will give a better and more convincing judgment than the one given below by which 20 persons were ordered to be hanged.

"On April 10th, 1919, about noon after the arrest of Kitchlew and Satvahal disorder broke out in Amritsar, in the course of which an attempt was made to invade the Civil Station by a mob which had to be turned back by fire from troops and Police. Shortly after this, mob attacked the National Bank situated in the city, brutally murdered Mr. Stuart, Manager, and Mr. Scott, Assistant Manager, sacked and burnt the bank and looted the godown which contained cloth and other goods to the value of several lakhs of rupees. The Chartered and Alliance Banks were subsequently sacked. A Mission Hall Church and the Religious Book Society's Depot were also attacked and burnt by the mob. There was no reason why these institutions should have been singled out by the mob or their leaders except that, as the evidence shows, they were out to destroy the visible manifestations of British connection with the country.

It is unnecessary to labour the point that the salient offence committed in connection with the attack on the National Bank, the facts of which form the main basis of the present charges, was one falling under section 121 I. P. C. and we have only to consider which of the 21 accused now before us were concerned in that attack. Certain of the accused could also be convicted under section 302 I. P. C. but we see no necessity to discriminate, more especially as in circumstances like those before us there is only one possible penalty for the offence or offences committed.

We are not entirely satisfied that Ghulam Hasan Parna, 15, was in the actual attack on the Bank, but he is proved to have been found in possession of property looted therefrom. We convict him and sentence him to 7 years' rigorous imprisonment under section 412 I. P. C. As regards the remaining 20 accused, we are clear that they

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each took an active part in the attack on the Bank. In convicting all of them of an offence under section 121 I. P. C., we would only note that Ratan Chand or Rattoo I, and Bugga, 2, were the ring leaders and initiated the outbreak with most significant promptitude, as soon as the news of the deportation of Kitchlew and Satyapal, whose lieutenants they are called, became known. We therefore sentence each of the remaining 20 accused as set out in the Schedule, to death and to the forfeiture of such property as was owned by him at the time of the commission of the offence and as is liable to forfeiture."

This is the judgment, Sir, by which 20 persons were ordered to be hanged

The Honourable Sir Alexander Muddiman: No, there are two more lines.

Lala Duni Chan: Yes, Sir, there are two more lines. Excuse me, I thank you for the correction.

Now, this is all the judgment that was given in a case in which 20 persons were ordered to be hanged. I am far from saying that all these people were innocent, at the same time I am also far from saying that all these people were guilty. The question is, since they were tried under extraordinary conditions, since resort had to be made to extraordinary powers, since the atmosphere of the country was extraordinary in those days, whether those people who have been condemned under such extraordinary circumstances are not entitled to have their cases revised and reconsidered after a lapse of time. Seven years have passed by, and I ask this House, and through this House I ask the Government to reconsider their case. Is there anything unusual or extraordinary about this demand? I cannot see anything for a moment. I want also to bring to the notice of this House a class of prisoners who should also get the full benefit of this clause (b). Three batches of political prisoners were tried for various offences in 1915 by a Special Tribunal consisting of three Commissioners, and no right of appeal was given to them from the judgment of the Commissioners. A very large number of people were ordered to be hanged and transported and some were given long terms of imprisonment. My position with regard to this class of prisoners is also more or less the same as in regard to the martial law prisoners.

The Honourable Sir Alexander Muddiman: I would like to ask the Honourable Member just for my own information if he refers to what are generally called the Ghadr prisoners.

Lala Duni Chand: They are Ghadr prisoners. I have supplied you with full information.

The Honourable Sir Alexander Muddiman: I am much obliged to you.

Lala Duni Chand: I cannot possibly give the exact figures of the prisoners tried in these three trials. The number was, roughly speaking, not less than 200 or 225. These people were mostly out of those people who returned from foreign countries in order, according to the Government, to foment and spread rebellion in the Punjab. I am not concerned at all at this time to go into this question. Granting that there was justification for the Government to order the trial of these persons, the question is whether, inasmuch as 11 or 12 years have elapsed since these people were convicted, they are not entitled now to have their cases revised and reconsidered. Ordinary prisoners have been released in hundreds in order to prevent the overcrowding of Indian jails. Are these people not entitled even to that benefit? These prisoners include among them

Mr. President: Order, order. I hope the Honourable Member will realise that the Chair has also got to consider the claims of other Members who are anxious to take part in this debate. He has already exceeded his time limit.

Lala Duni Chand: I did not know that, Sir. I shall be much pleased to finish shortly. I simply want to say that out of these many young men, some as young as 15 or 16 and some as young as 20 or 22, were ordered to be hanged. The only plea that I want to put forward on behalf of these unfortunate people is that the time has come when they have atoned for their sins, if they have committed any sins, and they are entitled to be released forthwith. There can be no possible justification for the Government to detain them any longer. Every one of them has undergone at least 10 or 11 years' imprisonment.

As the Honourable the President has asked me to shorten my speech I want to deal with clause (c) of the Resolution.

Mr. President: I am afraid I cannot allow the Honourable Member to go to another clause now.

Lala Duni Chand: I will finish in two minutes, Sir.

Mr. President: Order, order. I cannot allow the Honourable Member to continue. If he wants to finish, he must bring his remarks to a close immediately.

Lala Duni Chand: On behalf of the Indian exiles resident in foreign countries I want to say one word and I will not say more than that. I have placed myself in correspondence with the most prominent Indian exile, namely, Mr. Hardayal, and I wanted to know their wishes in the matter. I have got the letter received from Mr. Hardayal in my possession and he has assured me that the Indian exiles living in foreign countries are greatly changed and that they are now prepared to serve the country in a peaceful manner. They have now realised their mistakes, that it was futile on their part to carry on any revolutionary movement. That is the attitude which I have ascertained from the most prominent Indian exile, Mr. Hardayal. I therefore say that so far as these Indian exiles are concerned they are entitled to the barest act of justice, namely, that they should be allowed to return to their country subject to reasonable and honourable terms. I may perhaps explain what I mean by "reasonable and honourable terms."

Mr. President: Order, order. The Honourable Member is perhaps aware that it is the wish of the Chair that he should resume his seat.

Lala Duni Chand: I resume my seat.

Dr. L. K. Hyder (Agra Division: Muhammadan Rural): Sir, I have no particular qualifications to make a speech on this Resolution, but I believe, Sir, that expression has been given to opinions which are held by a section in this country.

Sir, I have been moving in an atmosphere of unreality all these three hours. What is it that the Resolution asks for? What is it that the amendments seek? I do feel that we must tackle these problems with a full appreciation of what is called Realpolitik. There is a body of opinion which has a different way. The goal which it seeks to attain is not the goal which I as an Indian would like to attain. The method by which they seek to attain it is the method of the bomb and the pistol. That method, all reasonable, moderate, liberal Indians should discard. What is it that they

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desire to do? Their desire is to jump out of the existing framework of society and law and order. That method all reasonable Indians cannot approve of. The Resolution as it is and the amendment as it is at present worded—both of them I cannot accept. It is out of a full appreciation of the fact that expression has to be given to what we feel that I, who possess no particular qualifications for speaking in this matter, have stood up to give my opinion on this and it is to this effect, that I cannot walk with people whose way of thinking is different, I cannot pay allegiance to them. As a man cannot have two hearts in one breast, similarly the man whose aim is to jump out of the existing framework of society, the man whose method is that of the bomb and the pistol, the man who says "I shall have recourse to violence"—I say you cannot pay allegiance to both of these principles, violence and non-violence. The Resolution asks for the release of such people who pay allegiance to different principles, to the principle of violence. (*A Voice*: "How do you know?") What is it that the second part of the amendment demands? It says:

"to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries."

I know very little about the Indian exiles. But this I know. Whatever party is in power—I shall not name any party; let it be the Moranian party here in power, but the moment that a bomb is directed against the head of that party I ask Members of this House whether as honest, reasonable men they are prepared to advocate that the man who threw the bomb at the head of the party in power should be allowed to return to this country. (*A Voice*: "That is not the Resolution.") The Resolution is:

"to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may be or who may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India."

What is it that clause (b) asks for? (*A Voice*: "Put them on trial.") Certainly that is the way. Most certainly I say, let people who have resort to this method be brought to trial, and I say, "since you saw that way, you saw that goal and you chose that method, therefore abide by the results of that method." As a Member of this Assembly I cannot in all conscience advocate the immediate release of all manner of people, but I do feel that here in this Resolution are jumbled up the cases of a number of people. There may be people who may have broken law and order in a moment of popular outburst. I say in their case, "If the emergency is over, release them," because a man is apt to forget himself in a moment of popular outburst. But here are people who have a definite way of thinking, who swear by principles which no reasonable Indian can at all approve, and the amendment asks for the immediate release of all such people. We have had enough of this paltering with truth and untruth. Either it is this or it is that. Either it is going to be violence or it is going to be non-violence. If it is violence, then no Indian, whether Swarajist or Independent or Liberal or Moderate, can at all approve of it. If it is going to be non-violence, then I say, "certainly let the Government bring the evidence against them and place the men on trial, so that justice may be done". Here I do feel that it is a breaking away from the principles which ought to be held sacred. No man should be detained without trial. I understand that the case of the Government Benches is that if you bring these people detained under Regulation III of 1818 to trial, there is a fear of the lives of the officers and the lives of private citizens. (*An Honourable Member*: "That is a lie.") As regards that matter, I will reply "In a moment of

emergency you can have these people detained". (*An Honourable Member*: "How would you like to be detained?") If I were guilty of certain actions, I should like to be brought before a Judge. I have the fullest right to ask what is the case against me. I am prepared to abide by the results. (*An Honourable Member*: "If the Government do not do it, what is your reply?") Under Regulation III of 1818 I say that the case of the Government is a weak one. The Government say that if they bring these men to trial, the lives of the officers will be in danger and that the lives of the witnesses will be in danger. That is a novel thing to which I cannot subscribe. It is part of the life of a sailor to take all the dangers of the sea. If an administrator feels that his life and the lives of the people may be endangered, I say you have got to take the good weather with the bad, just as it is part of the life of a soldier to take all the risks whatever they may be. Here the case of the Government rests on a weak foundation. They are afraid there will be more murders. Let there be more murders but the right of the individual to be placed before a Judge has got to be vindicated and in my view the administrators and the policemen would be failing in their duty if they did not brave these dangers. But this Resolution, as I said, is a jumble. It asks for the return to India of people who are not of our way of thinking and of the way of thinking of some of us who are here. I do not think there is a single Member of this House who would at once pay allegiance both to the principles of violence and non-violence.

Mr. Kumar Sankar Ray (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural). Sir, the Government and His Excellency the Viceroy have been asking for our co-operation and they say that they will not be niggardly bargainers with India. But is there any consistency between their professions and conduct, for on the one hand, they want our co-operation but, on the other, they repress with an iron hand all the aspirations of the people for freedom? Since the coming of Mahatma Gandhi into the field of active politics the country has adopted non-violence as its creed, and whatever spirit of violence there might have been in the country has been dying out. Yet the Government have from time to time been putting men into prison without trial and without giving them any opportunity of defending themselves, on the ground that they are conducting an anarchical movement of violence in the country. The plea that urge for not bringing these men to trial is that witnesses are being suborned and threatened and thus prevented from giving evidence. There have been cases from time to time that have been brought to trial before open courts and no one has failed through dearth of witnesses or witnesses not appearing to give evidence through fear of molestation. Nor do the Government, although repeatedly asked to give statistics, ever supply the country with any showing how many witnesses in how many cases have been prevented from giving evidence through threat of violence. The fact that some cases have successfully been brought to trial and others not, in the absence of any satisfactory reasons furnished by Government, naturally leads the people to suppose that there is no evidence worth producing before courts in cases which have not been brought to trial, and the real reasons for those arrests are far other than what Government advance. The mode and time in which these arrests have been made and the persons arrested clearly indicate the real reasons, so far as Bengal at least is concerned, to be to stifle the legitimate aspirations of the people. For these arrests have been made just when the Swaraj Party took up the capture of local self-governing institutions and the seats in the local Council, and they were of persons who had been taking the leading and most active part

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in these movements. The Government have failed to arrest the rising tide of Swarajism by these methods. If now the Government really want the co-operation of the people and do not put it merely as an excuse for not making any concessions, they should deal honestly in the matter and release people whom they have arrested without any justification or bring them to trial in open court and thus allow them an opportunity of defending themselves. This is the only way to rally the people to their side. Both the Government and the people are loudly pleading for co-operation and yet there is no co-operation in the land. The reason seems obvious. The people within the country are smarting under the unjust treatment meted out to them by the mighty Government, while they profess themselves to be helpless in the matter of succouring those living outside in foreign countries. The Honourable Colonel Crawford speaks of the uselessness of an amnesty, but what is the real reason of the alleged failure? Is it because the people do not respond? Surely the Congress wanted to work the Reforms at Amritsar? Or is it because the Government did not act in the right spirit? They released the prisoners and ushered in the Reforms while the war lasted, but as soon as it was over they gave full scope to General Dyer to inflict the Jalianwala Bagh horrors and followed it up with the Punjab arrests, and the steel-frame speech of Mr. Lloyd George; and surely the people are not to blame if they retired from the position taken up at Amritsar.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadian): Sir, I shall not take up much of the time of the House and I shall not argue this question from the lofty ideals which some of my friends have adopted. I shall speak a word or two from the point of view of prudential considerations. There is a purpose in every action that is done. The action ceases with purpose. This is prudence.

Take, for instance, the Bengal Ordinance and Regulation III détenus. They were arrested when the Government here thought that the whole of Bengal was honeycombed with bomb factories, or Judges and witnesses were being threatened with murder. It has been more than a year, more than 14 months, that these Ordinance prisoners are in jail. Now it may be asked whether the purpose that was intended to be served by this emergency measure has been served? There may be two answers, "Yes" or "No." If it has been served, then there is no necessity for keeping them in jail any further. If the purpose has not been served, then the measure is futile.

An Honourable Member: Is it necessary?

Pandit Nilakantha Das: Why should they be kept in prison any longer? Should you keep them in prison for all time to come till the end of their lives? (*An Honourable Member:* "That is what Colonel Crawford wants.") Then there are other prisoners. There are, for instance, martial law and special tribunal prisoners who have been in jail, some of them, for over 10 years. Those measures were also emergency measures. The martial law trials were not ordinary trials in ordinary courts, nor are the special tribunals courts. During the non-co-operation days I had a bit of experience of jail life as well as of such trials. During those days I have seen myself, I have experienced, how evidence is got up by the police and the C. I. D. It is a matter of experience to me. I was put into jail for the offence of organising and assisting in the organisation of some assemblies declared

unlawful by the Bihar Government. But such assemblies never existed nor have they ever existed in my part of the province till now. I know that perfectly well, and no man can deceive me with evidence. But there was evidence got up, and I was sent to jail for that offence, and I was sent to jail not by a special tribunal Judge nor by a martial law Judge but by a Judge who is, so to say, one of my relatives. For his service under the State—for his salt—he sent me to jail (Laughter.) And, as to the treatment in jail, I am surprised to find my friend Maulvi Mohammad Shafee did not tell you about it for he was in the same jail with me. He could tell you how for the simple offence that he wanted to offer prayers with some of his friends, he was put in a solitary dark cell, unused for a long time, and he could tell you how worms fed upon his body and blanket night and day for several days. This is the vindictive treatment accorded to non-violent prisoners sent to jail for non-violent offences. (*An Honourable Member*: "Was he not a dangerous person?") He is still here. But these tales of woe, I am quite sure, as many of my friends know and have often said, will never move those adamant Benches over there. It may move a heart, but I am told that these Benches have no heart.

I am sure all over the country in the case of political prisoners either under trial or convicted the treatment has in most cases been vindictive. But I do not speak of that treatment. A patriot does not mind it. He is ready to get that treatment at the hands of this Government. The greatest torture that an educated mind experiences is the sense of confinement and not the worms on body and blanket and the food mixed up with bad things. It is the sense of confinement which tortures an educated man. But if you look to the purpose of putting people in prison whether they may be violent or non-violent, what do you find? Take the case of all those persons who have gone to jail for violent action in the Punjab 10 years ago. They were young men, they were misguided (let me say), they were imprudent, they were short-sighted; but all this never retracted from their spirit of patriotism. They were young men and I hope they have grown old and much too old for their age under the benign treatment of the jail administration. They have grown old and when they come back now after 10 years you will find them different men. If they have any traditions left in them of patriotism after the jail experience they will direct their activities probably in a different channel. If they have nothing left of that soul, they will live as ordinary men and will create no trouble, not even the trouble which some of us here create, namely, verbal warfare. To kill them both morally and physically should be the duty of no Government.

I shall not detain the House any longer. These are the simple, prudential considerations for which the Government have no case. They cannot detain these prisoners and détenus one day longer. Let them come back, and if they become undesirable Government are armed with weapons to deal with them. Some of them may be put in jail again, if prudence so dictates, as a temporary measure. But why should you indiscriminately detain them as convicts or détenus for all their life for some offence which they were once suspected of having committed (perhaps on the report of the C. I. D.). Government, therefore, should at once accept this Resolution and release them. The hands of Government are still too strong for any violent actions, or revolutions undesirable to them which will perhaps never disappear so long as this Government is foreign in character and depends on pride of power and physical force.

The Honourable Sir Alexander Muddiman: Sir, before I address the House on the Resolution and the amendments which have been moved, let me thank my Honourable friend, Lala Duni Chand, for his great courtesy in sending me his valuable pamphlet which has been of the greatest use to me in focussing my ideas on the somewhat nebulous Resolution which is before the House. I think there are other Members also in the House who ought to thank Lala Duni Chand for his kindness, for a good deal of their speech is made up of quotations from his pamphlet. (Laughter.) As I have said, I felt considerable difficulty when I read this Resolution as it originally stood. I have been in and about this House for a considerable number of Sessions and various Resolutions have been moved which, roughly speaking, were intended to cover the same ground as is covered by the Resolution now brought before the House by my Honourable friend, Maulvi Mohammad Shafee. There have been Resolutions in other Councils too. I was presented with this small bundle (holds up an enormous file) of those moved from time to time, therefore I am hardly in a position to plead that I do not know the general lines of what is set down. Had not the Resolution been explained by the pamphlet, however, it might have been difficult for me entirely to follow it.

I must congratulate my Honourable friend, Maulvi Mohammad Shafee, on the way he has moved his Resolution. I have heard the horrible torture to which he is alleged to have been subjected, and I feel that he has shown the greatest restraint in his speech. He is doubtless one of those who think—

“Stone walls do not a prison make,
Nor iron bars a cage;
Minds innocent and quiet take
That for a hermitage.”

An Honourable Member We should like you to be in such a habitation.

The Honourable Sir Alexander Muddiman: I am one of those who would never make a good hermit. I prefer more comfortable places of entertainment. (Laughter).

Now, Sir, I will endeavour to address myself first of all to the somewhat general terms of the Resolution. My Honourable friend, Lala Duni Chand, quotes from the Encyclopædia of the Laws of England to indicate what is the meaning of a political offence. I have read his extract with great interest and I have also referred to the context and I found that the author went on to say that in law there is no distinction between political and other offences, except possibly in English law, in regard to seditious offences. Any other offences the law makes the offence, it does not heed the motive. It is perfectly true that in international law there are exceptions made for so-called political offences, but this is not so in Municipal law. The learned author of the book quoted went on to point out that in regard to the distinctions he had suggested, they were not legal but Parliamentary distinctions. What he means by Parliamentary I have some difficulty in determining. However, I am prepared for the purposes of this debate to accept the definition to which my friend refers. He, following his author, says the offences to which this definition applies are those directed against public order, treason, treason-felony, sedition, or interference with the Executive or Legislature by an unlawful assembly intended to defy or overawe or to make riotous protests against the law.

Lala Duni Chand: That is what your lawyer says.

The Honourable Sir Alexander Muddiman: I am accepting your own definition. We will see what are the offences which are considered to be political offences.

Now the Indian Penal Code, as I think I am right in saying, does not regard motives but says this is an offence and that is an offence. Our criminal law has been very much admired, though it is not so universally popular in this House as it might be. The Indian Penal Code divides offences into various Chapters, and the main Chapter to which the definition of my Honourable friend refers is the Chapter of offences against the State. It begins by telling us what is waging war against the King, it goes on to define conspiracy to wage war, conspiracy in the collection of arms with the intention of waging war, and variously develops these offences till it arrives at the most criminal offence of all, namely, that of assaulting a Member of the Council of the Governor General. (Laughter.) Then it goes on to deal with the law of sedition. In other words these are all offences against the State. It is a peculiar and notable fact that in debates in India offences against the State are regarded and treated as slighter and less dangerous than offences against individuals. There are many lawyers in this House. If we were not debating a subject of great political excitement, I have no doubt that I would have considerable support on the point, that an offence against the State is the most dangerous of all offences. If I kill you because I do not like the shape of your face, or because I do not like the way you talk to me, or because you have injured me, that is a comparatively slight offence, but if I kill you because you are a servant of the Government and the killing is with the intention of subverting that Government, then that offence becomes most serious to the Government. I cannot expect that from those who wish to overthrow the Government there should be much sympathy with that view, but I put it forward that, whatever Government there may be, they cannot afford to look on offences against the State as lighter than other offences. If the State is disorganised or overthrown, it will be when the State fails to recognise that offences against itself are more and not less serious than offences committed for personal reasons. That is a point I wish to bring forward most strongly.

Then I will turn to the terms of the Resolution. It asks that all persons who have been convicted of any of the offences which I have specified, in which acts of violence have not been committed, should be forthwith released. Now, I have found very great difficulty in getting statistics dealing with this point. On the last occasion, when we had notice of a similar Resolution, the Honourable Member facilitated my task by scheduling more or less the sections that he had in mind. That is fairly simple; we can call for those figures. But to obtain accurate figures in regard to crimes in which there is not an element of violence would require a perusal of the record of each case. It is not possible to get accurate figures on the point without that. That is one of my difficulties, and when I said the Resolution was nebulous, I had that point in view.

I would say one word on the amendment. It was moved by an Honourable gentleman, Mr. Goswami. Is he in the House? (An Honourable Member: "No.") Well, I do not desire to do what he did this morning, and I will therefore reserve my remarks till he returns. I will merely say that when I first saw his amendment, it seemed to me

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to hold promise of something rather different than transpired from his speech. It seemed to me that he put forward a point of definite restriction of the wideness of the Resolution, for the only point in his speech with which I did agree, was that the Resolution as it stands is rather muddled. I do agree with that and I think that is the only thing in his speech with which I do agree. I had thought he was moving on rather different lines and that he was putting forward a different and more easily comprehensible case, but he tells us this is not so. I always tell the House my views frankly and it seems to me that this is a Resolution that some Members of this House were almost bound to bring forward. They opposed me in the very salutary measure I brought forward (ironical laughter); they opposed me tooth and nail and they will oppose me tooth and nail in order to get the release of the men who are detained under it. That is human nature and I make no complaint on that point. However I did hope the Honourable Member recognised that to go back and to attempt to release all these people is neither politic nor reasonable. I should have welcomed the amendment to that extent because it would have simplified my task and brought us to the real issue that most of you are concerned about. However, the Mover has decided, as appears from his speech, to support the whole thing—to go the whole hog—and ask that the Ghadr supporters should be released as also the martial law prisoners, and to demand that any of these prisoners of whatever kind, who are still in jail, however long back the date may go, should be released at once if they fall within clause (a). On that I have very little to say. There can hardly be any of the martial law prisoners I think now in jail who fall under that clause. It is difficult, without examining the records, to say, but I believe there can be none in detention who would be covered by clause (a), and I think I am also correct in saying there can be none of the Ghadr conspiracy under clause (a). They were all men sentenced for the most serious offences and would probably fall under clause (b). But do not let the House make any mistake about it; it is not possible for me on notice of this kind to examine all cases. I do not know for certain, but I am assured by those who are in a position to know these matters better than I am that that is the case.

Well, then, what the Resolution is really asking for is a general amnesty. Now what are the grounds for granting a general amnesty? The Honourable Member whose speech reproduced the remarks in this very useful pamphlet of Lala Duni Chand quoted Mr. Gladstone on the subject of the release of some Irish offenders. The point was also examined by my predecessor who with his usual clarity of thought and logical mind endeavoured to evolve tests, automatic tests, to decide when Government should indulge in the luxury—I call it a luxury advisedly—of a general amnesty. My Honourable predecessor evolved two tests. I am not prepared myself to say that I entirely agree that these are the only two tests. One of the tests was that the state of affairs in the country should be such that some political object would be served by the release, and the other, if I recollect rightly, was that when a political movement had spent its force it was possible, if there was no danger to the public safety, to release prisoners generally. Now the real debate, and I do not want to take up the time of the House unnecessarily, the real thing the House is interested in in this Resolution concerns two provinces, One is the Punjab, the other is Bengal. I do not think, looking at the paper before

me, that the question arises in any other place. (*An Honourable Member*: "Malabar.") Unless it is intended to cover the case of the Moplah prisoners. If the forcible conversion of Hindus is a political aim, I am afraid I omitted that. As I have said, it is a matter for comment that a Resolution of this kind should have been moved by a Member of a province where there is not a single man either convicted as a political prisoner or detained for any political offence. There is one prisoner in Bihar, a Punjab prisoner, convicted in connection with the Ghadr conspiracy. It is fortunate that we should have the advantage of a speech in support of this motion from a Member who comes from a province, which is at any rate entirely unconcerned in this particular Resolution. I have no doubt it is an accident of the ballot, but I cannot pass it by entirely without comment. (*An Honourable Member*: "He is an Indian after all.") I agree Beharis are Indian.

Now, Sir, as I say, clause (a) of the original Resolution asks for the release of all political détenus whose trial in a court of law has not been held. I am now told that includes Moplah prisoners. I will give the House some very pertinent figures on this matter. I do not suppose it is intended to go beyond the Bengal terrorists and the Madras Moplah prisoners. In Madras there are confined under the Madras Regulation some 204 Moplahs in jail, beside some 36 persons otherwise restrained. These are all, practically all, I am informed, Moplahs concerned in forcible conversion. Now for myself I do not regard that as a political aim. I desire strongly to say that I should myself disavow any political party who put that forward as a political aim. (Laughter.) I do not know whether the House will go so far as that with me. They are a little reluctant to go any way with me. As regards these prisoners I propose to be very brief. Should the House ask me to go on with it, I shall; but the case was thoroughly discussed in the Madras Council and all I propose to say is that the Member in charge, expressing the considered view of his Government, said the time was not ripe when these Moplahs could be released and live in peace and quietness with their fellow-subjects. That particular situation, therefore, does not satisfy either Mr. Gladstone's or Sir Malcolm Hailey's or, as provisionally adopted by me, my first test. I dismiss them. The second class covered by clause (a) are the Bengal terrorists. These people, 17 of them, are confined under Regulation III of 1818; 51 are in jail under the Bengal Act; 67 are otherwise regulated; that is they have to live in their villages or are subject to other various restrictions. I have never pretended (and the House will bear me out in this) that I have ever liked this legislation. I do not like it now. But, on the other hand, do not think that I, as Home Member, or the Government of India have the least intention of sheltering ourselves behind the Local Government or anybody else in this matter. The policy that has been pursued has been pursued at the instance of the Government of Bengal in continual association with the Government of India and we are in close touch with them. There is no question of sheltering myself or the Government of India behind anything of the kind. I do not want to plead that the Act is an Act of the Local Government. It is perfectly true it is; but it is an Act that was made here; it was merely re-enacted there; and therefore we are absolutely as guilty, if you think so, as the Local Government, and I stand here, not in a sheet of repentance at all, to make it plain, my Government share the views of the Local Government. I do not recall what word exactly my Honourable

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friend opposite used about Governments in India. I do not know whether it is really used in Parliamentary language: I do not remember whether he said our Government was Satanical or damned: at any rate it was pretty strong language. I can perfectly well understand that this House which refused to pass the Bill naturally disbelieves in the policy of the Bill and must therefore necessarily press us either to release the prisoners or bring them up for trial. That I can understand. I do not need to go over again the same ground. I explained my position when dealing with the law in the various debates in this House in one form or another, and those reasons remain as good now as they were then, or as bad as they were then. (Mr. M. K. Acharya: "Quite as bad.") Well, that may be your opinion, it is not my opinion; but I have one reason which is far beyond what I had then. One of the charges brought against the law was that it would be ineffective Sir, that is not so. The legislation has been very effective; there has not been one outrage, and I stand here to affirm that instead of wasting men's lives I have saved lives, and the lives amongst them of some of those misguided men who are now under detention. (Applause)

Pandit Sham Lal Nehru: How many outrages were committed before the Act?

The Honourable Sir Alexander Muddiman: You do not want me to go into that. If you read my speeches before dealing with it you could get the information. I have no time to go into them now.

The policy of the Government is this: we earnestly wish to release these men as soon as possible. We desire to limit those who are in jail and to make their confinement easier; and I need hardly repudiate any suggestion that we treat these prisoners with any special harshness at any rate after the information I have given that suggestion ought not to be made. I have done everything I can. Whenever anybody has come to me and made any complaints about this or that individual, I have had it investigated, and I have personally satisfied myself, as far as anybody can satisfy himself, that these men are treated humanely, decently and in every proper way.

That covers clause (a) of the Resolution. Clause (b) proposes that persons who have been sentenced for the same class of offences, most serious offences, accompanied by violence, should have their cases reviewed by a committee partly elected by this Assembly and partly nominated by the Government. Now, a committee of that kind can only do one of two things; it can in the first place look at the papers and say these men have been improperly convicted.

Now, as far as I gathered from the speech of my Honourable friend, he disavowed any such intention. He recognised that that was impossible. As I understand him what he wants the Committee for is

to decide whether they can be released with safety. Now, Sir, 4 P.M. I submit that the first suggestion would be an encroachment on the judiciary and the second would be an encroachment on the executive. The authority who can decide whether a person, at any rate a convicted person, can be safely released is the executive who are responsible for law and order. If anybody is willing to give facts about individual cases, we will look into them. Government have not acted harshly in the past, and I think I can appeal to certain Members of this House who are sitting

here, certainly one of them who came to me with the case of a particular person. I had it looked into quite recently and the man was released. If there are any other cases brought to my notice, I will certainly look into them. But that we should indiscriminately release or even investigate the case of all those who are in jail, some of whom have been convicted for the most serious offences in the Indian Penal Code, is certainly a thing you cannot ask any Government to accede to. I looked into one of these cases curiously enough, because it was impossible for me to know about events many of which transpired long before I had any connection with the department of which I am now in charge. I asked for a case mentioned in the pamphlet. It was the case of a man who should not be released. It would be very wrong to release. What was the offence in that case? That man was sentenced to death originally. These cases were most carefully scrutinised and the House knows it in some cases, by His Excellency himself, and this man at some period in his career had had his offence commuted to transportation. I went into the case, and I must confess—I was certainly rather surprised at the commutation. I should myself always take, if I possibly could, a favourable view, in a case where life is involved. But in this case the immediate result of this man's action was that twelve other men were executed; he had involved 12 other men in death. Now, I do not think that is a class of case that really can be again reviewed or considered. I recognise strong feelings as regards a class of these prisoners, but in asking for review of these cases of violence, the House will not do itself any good in the estimation of the world at large, and I think it should really consider that point of view.

Now, the third thing we are asked to do is to allow the return of the Indian exiles. When I took up my present post I was greatly interested to hear that there were any Indian exiles. I said "Let us hear something about them and let me see the papers". I went into the matter at considerable length. The Government of India had considered their policy and they had arrived at this policy. They decided, as I think rightly, and I think that this House will think rightly, that it is our business to consume our own smoke—that we are not entitled to require other nations to bear with those undesirables whom they do not wish to bear with; on the other hand, they have no right to inflict their undesirables on an unwilling India. That, I think, was a good and reasonable decision. And I said, "Why don't these men come back"? I was told: "What they want is a safe conduct; what they want is to be told that when they come back they will not be prosecuted". In other words, there are a number of fugitives from justice who if they come back to India are in danger of the law,—one or two of them might undoubtedly be tried for their lives. I want to be perfectly straight about that. There are two ways of doing it. You can lure back a man and give him facilities to return or you can tell him quite frankly, "I will give you no safe conduct", and I ask the House if the second is not the right and proper course

Pandit Sham Lal Nehru: What about the others?

The Honourable Sir Alexander Muddiman: There is nothing to prevent them from coming back except their own guilty conscience.

Mr. A. Rangaswami Iyengar: There are so many laws which can put them in jail without trial.

The Honourable Sir Alexander Muddiman: I am glad that my Honourable friend mentioned it. It is a very useful point. We have heard that certain Members do not believe in police, courts, judges, or indeed anything but in my Honourable friends themselves. What am I to do? You say if I prosecute a man, I shall bring false evidence against him. If I convict a man, my judge is corrupt, or at any rate he is prejudiced. What am I to do?

Mr. M. V. Abhyankar: Turn down the whole system.

The Honourable Sir Alexander Muddiman: Every time there is this sort of debate I hear attacks upon the police. I have often said in this House, and I say it again, that the police have behaved with the greatest courage and discretion. (Loud Cheers.) They have had a most difficult task. After all, in a big service like that, it is impossible to contend that nobody has committed faults. It is impossible for me to put forward that view and I do not put it forward. But I do put this forward that they have on the whole behaved with courage and discretion—mind you, the police are mainly Indian—both in war and in peace time. You abuse the C. I. D.—men who have their lives in their hands. My Honourable friend behind me (Dr. Hyder) has expressed his indifference to murders. If it is a question of my friend's murder or my murder I should be comparatively easy; but it is a question of the murder of men who are paid a very low wage for performing their difficult and hazardous duties which on the whole they perform very well.

The Honourable gentleman who comes from Bengal does not trust the police, the Court, the Chief Justice, the witnesses, nothing. I suppose in his judgment the only judgment is his own. But he is the "incorruptible" Robespierre of the Indian revolution.

Mr. T. O. Goswami: Judgment of the country

The Honourable Sir Alexander Muddiman: Sir, is that the judgment of your own countrymen? I think you are doing India a very bad turn when you express these opinions about your own countrymen. I, an alien, have a far better opinion of them than you have.

Mr. B. Das: He wants a trial.

The Honourable Sir Alexander Muddiman: Now, Sir, as regards (c), I have pointed out that we put no obstacle in the way of these men. I am not prepared to say that I will give these men facilities to return because if I give them facilities, and bring the men back and then arrest them and try them for murder, that would be, to my mind, repugnant. I will give them no guarantee.

Pandit Shamlal Nehru: Can you give the name of the two persons whom you said you want to hang?

The Honourable Sir Alexander Muddiman: I can, but I am not going to. I think I have dealt with most of the points that have been raised. It was said in the course of the debate that these gentlemen are entitled to the same home comforts as the Home Member himself. Little do they know how small are the comforts of the Home Member. They are much happier where they are.

Mr. T. O. Goswami: Then exchange places.

The Honourable Sir Alexander Muddiman: No, for I have not qualified!! There was another suggestion made by one of the Members who spoke, which gave me full and great power, power which I really wish I enjoyed. It was suggested that I can conspire with the American Government and the American Parliament to make them pass a law of naturalisation which is going to affect people who live in India. Well, Sir, we find it extremely difficult to affect other Governments who are much more closely connected with the British Empire. The absurdity of such a statement is its own refutation.

I think I have dealt with all the points now.

Syed Majid Baksh: What about my charge of reducing the majority? The Government reduced the majority in the Bengal Council by two

The Honourable Sir Alexander Muddiman: That is an extremely foolish charge, if I may say so. As my Honourable friend pointed out rightly, the majority was two. I should not arrest two men if I really wanted to get a majority, I should arrest 20 and make it safe. (*Syed Majid Baksh:* "The casting vote of the Chair.") No. When you are conspiring to do this kind of thing you do not run things so near as to rest on the casting vote of the Chair. (Laughter.).

I just desire to sum up the position. Individual cases. Yes, we will consider anything put forward. We desire to limit our actions, to limit the restraints to the very minimum of what is essential to preserve our own position. We do not desire to do anything more than that. We cannot, to please a political movement or to secure temporary support, compromise the interests of the ordinary citizen which are the interests of law and order. I have endeavoured to meet this Resolution. If only I was a better speaker I could have done it with more eloquence, but I have tried to meet this Resolution in a friendly spirit. I recognise it is a Resolution which may well be moved and I can do no more than appeal to the House to say that on the whole I have given a satisfactory answer. (Loud Applause)

Lala Lajpat Rai (Jullundur Division: Non-Muhammadan): Sir, I rise to give my support to this Resolution as I believe there is no other Member in this House who is more qualified by personal experience to speak on the subject than I am. Practically, all the three clauses have applied to me at some stage or other of my life. In 1907 I was deported under Regulation III of 1818. In 1921 I was convicted of a crime which the Government of India afterwards declared was not a crime. In 1921 I was again convicted of a crime which the Government Advocate said had not been proved. When I wanted to return from America I was treated as an exile by the refusal of a passport. Practically all these three clauses have in one way or another applied to me at different stages of my life. Let me take them *seriatim*. First, I will take my deportation under Regulation III of 1818. I was deported under suspicion which was absolutely without foundation. My Honourable friend, the Home Member, only a short time ago, asked Mr. Goswami to take his statement that there was no conspiracy between the European society of Calcutta and the Government in drafting or passing the Ordinance. I want him to take my statement that the suspicion in 1907 of my having tampered with the Army was absolutely groundless. There was absolutely no basis for it. I can understand that Government, believing in the reports of secret agents, thought

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that there was danger in my being allowed to remain free. I can quite understand that. But after all, Governments and Courts are not infallible and the vagaries which are often committed in the name of Government can better be remedied by an occasional revision of such cases which may take place from time to time. Any decisions which the Government might arrive at as to guilt, even though those decisions might be confirmed by the finding of High Court Judges who have not taken the defence of the men whom they are charging, can be groundless and wrong. About the treatment of political prisoners under Regulation III of 1818, I do not want to say much, but I want to say this that it is not the actual lack of comforts or lack of conveniences that matter so much as the insolence and practically the impudence of those jailors who are put in charge of these men. I was a personal witness to such insolence and impudence in my case. Men who have been honourable in their lives, who have enjoyed some social status in life, who believe that they have done certain things in the performance of their duty to their country—they may have been wrong—are entitled at least to that much respect which their sincerity demands and the purity of their motives is entitled to. Therefore when you put them in charge of persons who not only refuse to them the ordinary comforts of life according to their status in life but treat them with insolence and impudence, you are practically creating the atmosphere for a revolutionary movement. I have only that much to say so far as my personal case is concerned.

Now, we have heard a lot about revolutionary movements. To me most of this talk seems to be absolutely beside the point. Revolutions and revolutionary movements are only natural. There are many people to whom the word "revolution" is like a red rag to the bull. I want to make it clear that there can be no progress in the world without revolutions and revolutionary movements. There are of course differences between the two, but, on the whole, this talk about the distinction between revolution and evolution is to my mind a silly talk. There is no evolution without revolution and no revolution without evolution. The two things are interdependent. The question is one of pace. It is only on this basis that sometimes a distinction can be made between the stages of evolution and the stages of revolution. Any other distinction is absolutely unreal. Now, Sir, I want to point out that revolutionary movements have always existed in this world in the past. They exist in the world to-day and they will continue to exist in the world hereafter. One of my friends pointed out, and I wish to repeat that statement, that there is no country on the face of the earth at the present moment, however civilised, however well governed it may be, which is free from revolutionary movements. Even Great Britain is not, and therefore the existence of the revolutionary movement does not necessarily imply that the people of that country, where the revolutionary movement exists, are so perverse and so absurd that they ought to be penalised,—the whole of them or a large section of them—for the existence of a revolutionary movement in that country. Of course, as I say, the nature of a revolutionary movement depends upon the means which that movement adopts to gain its objects and to achieve its aims. Here again there is nothing in the nature of the people of India which makes them distinguishable from the people of other countries. I have had the privilege of living in Great Britain and other Western countries and I do not see any reason why the people of

this country should be considered to be more excitable and more inflammable than the people of other countries. In fact the complaint was that there were very few such people in this country. I do say that the people of India are by nature, by tradition, by their culture and by their history, so docile and so manageable and so easily subject to law that they ought to be given the credit for it instead of being discredited on that account. The existence of a revolutionary movement among them shows that there is something radically wrong in the system of Government which forces the people to have recourse to revolutionary methods in order to redress their grievances or to assert their rights. Now, Sir, on that point again we have for the last five years tried to create an atmosphere of non-violence in this country. There again I am perfectly certain that our non-violence may proceed from conviction or may not proceed from conviction, but it was certainly our definite opinion that, under the present circumstances of this country, any revolutionary movement depending upon force was not desirable but on the contrary definitely harmful. We have repeated this statement from hundreds of platforms. Yet, in spite of Government's trying to crush movement of violence, it has gone on in this country in some form or another for the last 25 years and it has not been exterminated. I say that no amount of rigour in the application of the law and no amount of rigour in the treatment of the prisoners will exterminate that revolutionary movement unless the causes which are at the bottom of that movement are removed and remedied. That must be understood distinctly. It may be that there is a temporary lull. My friend the Honourable the Home Member in dealing with the Bengal case pointed out that the Bengal Ordinance has been so effective that since its passing there has been no outrage. If so, for that reason alone the prisoners should under the Ordinance be immediately released. If that Ordinance has done its work and has been so effective that there has been no further outrage, then that is the most cogent reason for taking immediate action to release all those détenus who are detained under that Ordinance. But I may tell my Honourable friend that that should not give him any idea that revolutionary movements in this country will cease to exist or will be exterminated unless the real causes at the bottom of these revolutionary movements are removed. The main cause is that the people of this country are being denied their political rights from day to day, from month to month and from year to year. I must seek your permission to say that the battle for freedom is of course always going on in the world in some form or other. There will be no progress unless people are prepared to suffer. I can quite understand Government taking an opposite view. My friend just now read out the definition of political offences. I could also read the definition of political offences from other Encyclopædias which would show distinctly that in a political offence intent is of the greatest possible importance, at least in judging the nature of the offence, the punishment to be given to the political offender and the treatment to be accorded to him. These three things are essentials involved in any political case; not only the technical offence but also the punishment he has to receive and the treatment he has to receive after conviction. I could cite many other authorities if I were minded to do so affirming the contrary of what my friend has cited, that is that intent is of very great importance in a political crime. The fact is that there is a clear distinction between countries which follow the British system and those which follow the Russian or the Austrian system. What we are asking the present Government to do is that, as they are Britishers they

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should follow the British system and the British tradition of freedom and not the Austrian or old Czarist system. I want to point out the difference. The wording of the law and the technicalities may be similar, but the application of the law in England and in India is very different. I do not think anybody can contend that England is free from revolutionary movements. At the present moment there is a revolutionary movement going on in England, but do the Government treat those engaged in the revolutionary movement exactly in the same way as they do the people here? Certainly not. There is a great deal of difference, because public opinion in that country will not stand what we in this country are standing. They are a free people. Even those people who do not agree with the revolutionaries and their views stand up in defence of liberty, of freedom of expression whenever any demand is made to suppress that freedom of expression. At the present moment the Labour Party which has no sympathy with Communists or with persons carrying on communistic propaganda (when an attempt was made to arrest the Communist leaders), tried its best to protest against such action by Government, and they assert that the public opinion of the country is with them, and I believe that to be true, because if there is one thing prominent in the British character it is the love of freedom of opinion and expression. Of course when it comes to freedom of action, that might be regulated by the laws and, therefore, Government might have to take some proceedings when it comes to action. But so far as freedom of expression, of sentiment, of opinion is concerned, that is a principle which every Englishman drinks with his mother's milk; and therefore the British people are naturally opposed to the suppression of such freedom in their own country. But when they go abroad perhaps they find that Empires cannot be maintained on British traditions, and therefore for the maintenance of those Empires they have recourse to methods which are not British in character. What we are asking them is this, that if they are really appreciative of our connection with the British Empire, if they are really earnest in their demands for co-operation from us in the system of Government that prevails now, the test of that lies in carrying out the principles of British justice in the treatment of political offenders in this country. I think, therefore, it is in the fitness of things that every time the Government or the representatives of the Government ask us to make a generous response to a generous call for co-operation, a Resolution of this character ought to be brought forward in this Assembly to point out to the Government the difficulties which prevent us from extending the hand of co-operation. The facts relied on in this Resolution are of the nature of a skeleton in the cupboard and they require exhibition whenever there is a talk of unreserved co-operation. So long as our people are treated practically like dogs because they have had no trial, so long as important men, men of education and culture like Subhas Chandra Bose, are being treated in that way, Government cannot expect the Nationalist Party in this country to co-operate with them unreservedly. We are earnest, we are indulging in no camouflage when we say that we do not desire in this a revolutionary movement based on force. We do want an atmosphere in which it may be possible for us to co-operate with the Government to a greater extent than we have done in the past: but for the creation of that atmosphere it is absolutely necessary that the treatment of political prisoners or the treatment of political offences must differ from what it has been in the past. It

must change materially and vitally. Unless it changes, I submit—of course I ascribe no motives—that all this talk of co-operation is mere diplomacy, and not a matter of real earnestness. We want a proof of the sincerity of the intentions of the Government by their acceding to our request in regard to these political prisoners and with regard to these exiles. I can understand that the Government may not be able to accept the Resolution in its entirety. They may not be able to release all the political prisoners, but surely here is an opportunity which is offered to Government to show a real change of heart by acting as much in consultation with the representatives of public opinion as it is possible for them to do. I submit, Sir, that these people who have been detained without trial, who have been imprisoned without a charge, should be either immediately released or put upon their trial. This practice of issuing *lettres de cachet* is so un-British, that in this 20th century for any Government to justify this procedure, amounts to a confession that in spite of British rule for 150 or 200 years we have made no progress at all towards real freedom or towards a better understanding of human nature. I want to make it clear, Sir, that we are not pleading for mercy. We want no clemency, and we do not want any amnesty. We are by this Resolution pointing out to Government that here is an opportunity for them to show their sincerity. We are making our wishes known to the Government, and we are at the same time saying that here is a way for Government to give the easiest proof of their intention, of the sincerity of their call for co-operation from us. I want to make it definitely understood that we shall be insulting and dishonouring those people who are suffering for the sake of their conscience and are, as they think, doing their duty in jails or in those comfortable quarters which the Home Member would have us believe the prison cells are. We shall be insulting them if we ask for any mercy or clemency or amnesty on their behalf. We do not want any of these things. We are simply putting forward this Resolution in order to make our wishes and the wishes of this House known to the Government in the hope that the Government will consider them as the wishes of the representatives of the people. You have granted a certain constitution to this country of which you are proud. Under that constitution you have appointed certain constituencies. Those constituencies have elected us, and we, as the representatives of these constituencies which you admit are the best material at the present moment to reflect the sentiment of the country, express our opinion, and we ask you to act up to it. That is practically the reason, that is the mentality with which we have presented this Resolution and under which we are supporting this Resolution.

Now, Sir, I come to the second part of the Resolution which deals with persons convicted by judicial courts. Here again we do not want to sit in revision over judicial courts at all. That is not our wish. But, as I have pointed out already, in my own case the District Magistrate, the law officers of the Government and the Government themselves were of opinion that the meeting of the Provincial Congress Committee of the Punjab was a seditious meeting. They declared it such and asked us to disperse. We refused and we were prosecuted. The result was that the whole of that conviction had to be set aside because the law officers of the Government of India declared that the interpretation of the law made by the Punjab Government was entirely wrong. But this Government which want to follow British traditions had had absolutely no word of regret to say to those persons of respectable position who had suffered

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in prison for an offence which did not exist, and which they had not committed. They have not anywhere expressed their regret for that error of judgment. It was an error of judgment which involved people in disgrace, in discomfort and in expense and loss to a very great extent; yet the Government had not a single word of regret for it. We are in this country unfortunately getting very much accustomed to such errors of judgment. We want the Government to understand that we are no longer children. Perhaps we were not children at any stage but we heretofore had no voice to speak out. We have got that voice now and so long as we have got that voice we shall speak out and nobody can stop us from speaking out. We are now asserting that, if this Government continue to commit violence in that way by these errors of judgment, then of course they can only expect the younger people of this country to resort to revolutionary measures. The Government cannot come back to us and say that these people are adopting revolutionary measures and therefore they have to be shut up in jails for their life. When will the Government be convinced that the atmosphere has changed? I should like to say one word more on the question of amnesty. I decline to believe that amnesties are granted out of mercy. Amnesties are always granted for political considerations. When the Government believe that it is in their interest to create a better atmosphere, and to win over people, they grant an amnesty. When they see that the people are so dead that they cannot bring any pressure to bear on the Government and cannot make it unpleasant for them, they do not grant any amnesty. So, amnesties are not granted out of mercy or out of considerations of clemency, but they are really granted on political considerations. No Government can really afford to exercise mercy. Governments are not for the purpose of exercising mercy. They act in their own interests and on considerations of political expediency. So, Sir, in the case of judicial convictions also we ask for no revision of these convictions. We ask for no revision of the sentence as well. We simply say that there have been cases in times of excitement and strife like the martial law administration of the Punjab or the non-co-operation or the Akali movements when certain judgments were passed in a hurry. Certain sentences might have been considered advisable in that atmosphere and at that time, and we say the time has come when Government out of considerations of political expediency might reconsider those sentences and release those prisoners. That is all what is meant by the second part of the Resolution. We cast no aspersions either on the judiciary or the executive. We want to leave it only to an independent committee which may have two representatives of Government and two representatives of this Assembly to consider the appropriateness of keeping those people in jail any longer.

Now I come to the third point. My friend the Honourable the Home Member said that under the law as it stands there are no exiles. True the law does not recognise any exiles in this country except those transported for life, but there are methods and methods of making people exiles. For example, if you refuse a passport to a man who is in Switzerland or who is in Turkey or who is in America or who is in Germany, you practically convert him into an exile without passing the sentence of transportation on him. I think there will be some sense in allowing these people to come here and afterwards putting them on their trial. But when you make it absolutely impossible for them to come by

refusing them passports and then get up and say there are no political exiles so far as the law of India is concerned, then I think you are not putting the situation fairly.

Now in my case I would point out that I was not expelled by this Government, but when my passport was refused and I could not come back to India, I had to go into exile. I met two young men in Constantinople, two Muhammadan boys, not more than 20 or 21 years of age, who went out of this country in the time of the Hijrat movement.

The Honourable Sir Alexander Muddiman: Boys of 50 did you say?

Lala Lajpat Rai: Boys of 20 or 21. I call them boys because they were so young. I met them in Constantinople and they complained to me that they were in very great distress in that country because they could not find any employment and had no means of livelihood. I advised them to apply for passports. They applied to the Consul General there but the passports were not granted. I asked one of them to give me his application and I submitted it to the Labour Secretary of State. From that time, about a year ago, nothing has been heard by that man or by me about his case.

Mr. President: Order, order. I hope the Honourable Member will now bring his remarks to a close.

The Honourable Sir Alexander Muddiman: May I ask the Honourable Member one question? If he will bring that case to my notice I will have it inquired into.

Lala Lajpat Rai: Thank you. I was just giving that as an illustration. I will not take long. There are other cases also but I will not now refer to them. There are Indians in Japan, in Germany, in America and in other countries who are in very great distress. Of course, there may be some whom the Government do not want here, others perhaps less offensive, others not offensive at all. If they ask for passports it is only fair that passports should be given to them, even on the understanding that Government do not give them any guarantee that they will not be prosecuted. I submit, Sir, that sometimes young men are carried away by a sense of duty, or by an exaggerated sense of the righteousness of their cause, and they do things of which they afterwards repent. They ought to be given a chance of restarting life and making their existence as passable as they can. Their relatives here are wanting them and are suffering from their absence, and they themselves are suffering. Some are prepared to take the risk of trial. Why not give them the chance of coming here and having their fate decided by the courts? Perhaps Government may decide not to prosecute them as they did not in the case in Bengal, of a Bengali who returned recently from Germany. At any rate these exiles should be treated much more leniently in the matter of passports than they are now. I have much more to say, Sir, but as my time is up I will not detain the House any longer.

Sir-Willoughby Carey (Bengal: European): Sir, may I be allowed to make a few remarks regarding the incident which occurred during my unavoidable absence this morning. I had not the privilege of hearing what my Honourable friend said, but from what I have been told it would appear that he has been giving what I may perhaps call rather too much attention to half statements which have been given currency to in the press, at least in some sections of the press. Except for the fact that it has been sought to

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make these half statements the basis for a propaganda I should not have thought it necessary now, as I have not up to the present, to make any remarks about them, because anybody who has known for the past five years my political work would not accuse me of either the attitude or the actions sought to be attributed to me by these remarks. I do not think that those Members of this House who know me either would seek to do so:

Well, Sir, I have only to say that our cold weather visitors have undoubtedly suffered under a misunderstanding of what has passed, owing possibly to a lack of knowledge of the situation and conditions in Calcutta. In fact the whole incident is the outcome of misunderstanding on their part and possibly of misrepresentation on the part of others. As regards the special instance which has been made much of with regard to the meeting which I did not attend, I stated quite freely in advance that only under certain conditions would I attend, or should I attend, and those conditions could not be fulfilled, and that was my only reason for not going; I beg to thank you for this opportunity.

Mr. T. O. Goswami: May I explain?

Mr. President: Sir Willoughby Carey has given an explanation with reference to the statement made by the Honourable Member in his speech. The incident must close low.

***Mr. Abdul Hays** (East Punjab: Muhammadan) Sir, I believe every intelligent man in this Assembly knows why I am intervening in this debate (Laughter), and if they do not know, I may remind them of the Persian couplet. (The Honourable Member quoted the couplet.) (*An Honourable Member:* "Translate it".) I will not translate it, but I will state what it means. A woodcutter was cutting a green tree, and in that act of torture he said he heard the wailings of that tree and, in spite of the fact that he had never worked in the laboratory of Sir J. C. Bose, he said the tree said: "It is not the blade made of steel that cuts me, it is the wooden handle that is responsible for all this." (Hear, hear.) Sir, after the speech made by Dr. L. K. Hyder of the Aligarh University, I deem it my duty to declare from my seat in the Assembly that the views that he has expressed are not the views of the community to which I have the honour to belong. (Applause.) I am a Mussalman and under Islam sycophancy has no place. Islam stands for liberty and freedom; Islam stands for equal rights for all; Islam allows every individual and every community to rise and grow to its full stature. There is no place in Islam for untouchability or the caste system, and there is no place for beggary and vagrancy. Sir, we in India are a down-trodden community; we are backward in education and financially we are worse off. But in spite of all this, there is one institution of which we are all proud and that institution is the Aligarh College of the Muslim University. After what has fallen from the lips of Dr. L. K. Hyder, on behalf of my community I want him to declare whom he represents. Is there a community he can claim to represent?

Dr. L. K. Hyder: Certainly.

*Speech not corrected by the Honourable Member.

Mr. Abdul Hays: Will the Aligarh College be proud of him to-morrow when they read his speech in the papers? I throw out a challenge to him. I am prepared to resign my seat in the Assembly. Let him also resign his seat and let us choose one constituency, and let us ask the Government to suspend the rules and allow us to do so, and see who will be returned.

From my seat in the Assembly I want to convey a message to the teachers and the taught of the Aligarh College that they must rise equal to the occasion. I declare that, if the views expressed by the Doctor are the views of that institution, if from the platform of the Strachey Hall, I hear a voice . . .

Mr. President: Will the Honourable Member come to the merits of the question?

Mr. Abdul Hays: The merits of the question, Sir, consist in the question whether the views that have been expressed by Dr. Hyder are the views of the Aligarh University.

Dr. L. K. Hyder: On a point of order. Mr. President, I represent, I am the elected member representing the rural constituency of the Agra Division and these are the views which are held in that constituency. I believe these are the views (*Cries from the Swaraj Benches of "No, no."*) at least of people who desire the good of their country.

Mr. Abdul Hays: Coming, Sir, now to the merits of the question, everywhere in the world patriotism and loyalty go hand in hand except in this unfortunate country. Here one and the same man cannot afford to be a loyalist as well as a patriot. The very moment you become a loyalist you cease to be a patriot, and the very moment you take up the role of a patriot you cease to be loyal. I want to say that although these people who are rotting in jails are, according to you, seditionists, in my vocabulary they are called patriotic men. So we are justified in protesting, it is perfectly natural for us to enter a very strong protest, against the treatment that is being meted out to them. I hope the Government will rise equal to the occasion and prove their sincerity by releasing them, and it is only then that they can show that they are out for co-operation in this country.

Mr. M. V. Abhyankar (Nagpur Division: Non-Muhammadian): Sir, it is with the utmost regret that I stand to support this Resolution; ("A Voice: "Regret.") yes, Sir, regret, because it seems we have not yet passed the stage when our only remedy for our grievances is to pass such Resolutions which will be thrown into the waste-paper baskets by the Government. It is time that instead of passing such Resolutions we should be able to embark on a programme of resistance and say to the Government "This or that, choose what you would like!" The Honourable the Home Member, Sir, referred to peace and order. The Honourable the Home Member said that all these people were sent to jail to maintain peace, to maintain order, to protect the lives of citizens. What kind of peace was it that he wanted to maintain?

Mr. T. C. Goswami: The peace of the grave!

Mr. M. V. Abhyankar: The peace that has ended all peace in this country. Is it that peace? Is it the peace of the graveyard that he wanted?

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in this country; and if he wants that peace I must tell him the time is coming when it shall not be so. He wants to maintain order. What is that order? Order which is the embodiment of all disorder? Order means your orders, that we should subject ourselves to your tyranny, that we should obey your commands, that we should throw away our freedom at your feet, that we should allow you to be masters in this land and ourselves slaves here in our own homes. That is the order you want to maintain: and it is to maintain that order that you are sending our people to jail. Well, let me tell the Honourable the Home Member that it is time that that kind of order shall not be maintained in this country. Howsoever he and his mighty Government may try to maintain it. I am not appealing to his sense of justice because I know he has none; I am not appealing to his sense of fair play because I am positive he has not an atom of it. I am not appealing to his Britishness, if I may say so, because I know it is not un-British, the way they are behaving towards us. Do you not know that they have been behaving like this with us for the last one hundred and fifty years, and that it is too late in the day for you to say that it is un-British? It is not un-British; it is fully British. Might is right. That is the principle with which the world was born and that is the principle with which the world will end. Justice. Fairplay. This is all idle talk; these are all shibboleths; these are all frauds, the use of these words, I mean. Then, Sir, it has been said in oppositoin to this Resolution by the Honourable the Home Member that people who used violence, it is they that this Resolution in the second part of it sought to release. But who began violence in this country? The people or the Government? You began violence in this country, and it does not lie in your mouth to-day to say that you will not have violence. Why did you not have representative Government in this country? You are carrying on the Government of this country from minute to minute by pure violence, is it not? By your military and your police; or are you carrying it on, by the good grace of the people and by the wishes of the people? I want your answer. You are a member of an irresponsible executive that is executing us every day . . .

Colonel Sir Henry Stanyon: May I rise to a point of order? Ought not the Honourable Member to address these moderate remarks to the Chair and not directly to the Member?

Mr. President: The Honourable Member's point has some force, and I hope the Honourable Member from Nagpur will bear it in mind.

Mr. M. V. Abhyankar: I will, Sir, and I am glad the Honourable and gallant Member has come to the rescue of the Home Member.

The Honourable Sir Alexander Muddiman: Not at all: I thoroughly enjoy it. (Laughter.)

Mr. M. V. Abhyankar: There; he has given the gallant Member the slip; it is not good to protect one who does not want protection. Who has begun that violence? You began the violence. Give up your violence. It is the Government of this country which ought to give up violence. It is they who have begun it and it is time they should stop it.

The Honourable the Home Member said that even in free countries an offence against the State was considered a very great crime but that people in this country considered it a very light thing; and I would say very rightly

so. Nobody has the right in a free country to commit an offence against the State because there by getting a majority of the people on his side one gets what he wants and may do what he likes. It is not so here. We may have the whole nation on our side and yet we cannot get what we want. Well, that is the difference; and that is why an offence against the State ought to be considered in this country and is in fact considered a lighter thing than it would be in a free country.

The Honourable the Home Member said that the law did not recognise distinction between political crime and non-political crime. Does he not know that a great English lawyer has said that the law was an ass?

The Honourable Sir Alexander Muddiman: I am glad to have the Honourable Member's confirmation.

Mr. M. V. Abhyankar: And it is the greatest ass, let me tell him. And what is law after all? Law is a creature of justice (Hear, hear); law has to serve justice; it has to subserve justice. It is justice that ought to predominate. Laws can be made and unmade, but justice remains the same, you must remember that.

Then, Sir, the Honourable the Home Member in one breath said that the law did not recognise distinction between political and non-political crime and in another breath he himself recognised that distinction when he asked whether the Moplas were guided by political motives. He was blowing hot and cold in the same breath. If the law does not recognise it, you recognise it at least, and this is what the Resolution wants.

Then, Sir, I should like to tell the Honourable the Home Member that I do not want him to indulge in the luxury as he called it, of an amnesty. What grounds were there, he asked, for the exercise of amnesty. Well, let me tell the Honourable the Home Member, through you, Sir, that whatever our grounds for the exercise of amnesty they are far more real and stronger than his grounds for this bad Government, for this barbarous Government. Our grounds for asking for an amnesty are your barbarous Government, your military Government, your uncivilised Government. Those are the grounds for granting an amnesty. No new grounds need be given.

Then, Sir, the Honourable the Home Member said that by letting out the political prisoners he did not want any more lives of men to be wasted, thereby meaning the lives of the police and the C. I. D. Yes, you do not want to waste their lives. I know their lives are very precious to you, because you can have those people at your command to pitch them against us and you use them to waste our lives. But on our side let me tell you that we do not want you to waste our lives also. So many noble souls are rotting in the jails. It is all very well for us to be here and to talk. They did not talk, they acted, they have suffered and they are suffering. Let me tell those in this House, I mean those who call themselves Liberals or Moderates, sycophants or others, let me tell them that they owe their position to-day to the man who is in jail. If they are given higher posts, if they are given jobs, it is due to the agitation of that man. Government have thrown certain crumbs to them so that they may act as a palliative and divert the nation from the main agitation. If an Indian is appointed a High Court Judge or if he is appointed an Executive Councillor, it is because of the man who threw the bomb in the streets of Calcutta. (Laughter.) I do think so, it is no good the Government Members laughing. It is because that man threw the bomb that Government wanted to use palliatives. I want the Government to use curatives and remove the cause if they want to stamp out

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the disease. We do not want violence, let me tell the Government quite frankly. Let me assure the Government at least on behalf of myself that I am the most peace-loving man. (Laughter.) They will find me as docile as a lamb (Laughter), unless they commit treason against the laws of God when the Almighty, to Whom nothing is impossible, will make a lion out of a sheep. They must not forget that. I want them to take this Resolution as a warning. A warning for what? It is a warning to them to mend their ways. If they will mend them in time there will be true friendship between us very soon. I hope so. In the end I will say only one thing, and through you, Sir, I will tell the Honourable the Home Member one thing. Remember, there is the beast, there is the man and there is the God in every human being. If you act beastly with us, the beast in us will jump out; if you act manly with us, the man in us will come out and meet you, and if you act godly with us, the God within us will respond and merge in the God in you because there cannot be more than one God. (Applause.)

Mr. M. A. Jinnah: Sir, after the eloquent speech of the Honourable Member who spoke last I want to get back to the humdrum of the debate and confine myself more to the terms of the Resolution and the amendment which are before the House. Sir, so far as clause (a) of the Resolution is concerned, the Honourable the Home Member speaking on behalf of the Government said that it can only be dealt with on the ground of a general amnesty

The other ground which, of course, he naturally did not like to mention but which is present at any rate in my mind is—and I hope he will agree with me—mercy. I am not going to stand on the floor of this House and preach to the Honourable the Home Member to do his duty on the plea of mercy. It is the prerogative of the Government, as he very rightly described it, and with that prerogative is imposed a duty and an obligation upon the Government, which is equally sacred, that if they find a case or cases where clemency or mercy should be exercised, it should come spontaneously from them. I am not going to encroach upon the function of the Government which is expressly provided for in the Criminal Procedure Code. Dealing with the ground of a general amnesty, I do not know when the Honourable Member will decide that the time has come for a general amnesty. He gave us no indication whatsoever. But reading the signs and having listened to some of his answers to questions during the last few days, and also the recent eloquent speech of the Governor General to which he referred, it seems to me that the time for a general amnesty will only come when Pandit Motilal Nehru will go to the Viceregal Lodge. (Laughter.) If the Honourable the Home Member is going to wait for that, he is welcome to wait. I cannot induce him nor can I take him to Viceregal Lodge, although I am willing to go and have been there and Sir, you have been there recently more often than I. (Laughter.) If that is the only term, then I say I cannot comply with it. I cannot possibly stand in this House and comply with the one and only clear and precise condition which has been laid down so often, so repeatedly, so determinedly and so affirmatively. I cannot comply with it, beyond saying that the country has given sufficient proofs to expect the next move from the Government.

Then, with regard to part (b) it asks that the cases of other political prisoners who are convicted should be revised by a committee. Well,

Sir, it seems to me from a practical point of view it is perfectly futile. What will this committee do? Is this committee going to allow further evidence to be called, fresh evidence to be called? Here you have cases that have been tried by competent tribunals and they have been convicted. The materials are there. They can neither be reduced nor increased, and what is the good of having this futile committee which will revise these cases? Therefore, it seems to me and I say to the House, that it is perfectly futile to pass this part of the Resolution. I am therefore inclined to give my whole-hearted support to the amendment of my Honourable friend from Bengal, Mr. Goswami, and his amendment is the amendment upon which I wish to take my stand.

Dealing with that amendment, let us consider it carefully and I ask the Honourable the Home Member to tell me at least in his final reply whether our case does not require most careful consideration and whether that amendment is not a reasonable one. Sir, the first portion of that amendment is this, forthwith to secure the immediate release of all political prisoners detained without trial. My Honourable friend, Colonel Crawford said that nothing new was said, no further argument was advanced to-day. But, Sir, the Government arrested these men I believe as long ago as November, 1924, and we are to-day in January, 1926, and I want to know from Government how long they are still going to keep them in prison without bringing them to trial. An indication was given by Colonel Crawford—I do not know whether the Honourable the Home Member endorses those reasons but I do not gather that from the speech of the Honourable the Home Member. The indication was this, that “If we bring evidence now, there are conspiracies which will come to know and they are not yet broken and until we break those organisations completely we are not going to bring these people to trial and therefore they must rot in jail”. Sir, I think there is some limitation to this plea. This is the ground which was given to us more than a year ago. This is the reason which was urged throughout last year and this is the same reason given to us here in this House now why they cannot do it. I ask the Honourable the Home Member, is this fair and just to these men who have been locked up without trial for more than a year? Therefore, I hope that this House will, I cannot say unanimously because Honourable Members are looking at me doubting me on the other side,—but I hope this House will carry that part of the amendment by an overwhelming majority and I appeal to my European friends that it is time for them now to come forward and say that these men should no longer rot in jail without trial.

The next part of the amendment is this: to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India. I listened to the speech of the Honourable the Home Member on this point with very great attention and very great interest. He made it clear that Government will put no obstacles in the way of these exiles if they wish to return to India. At the same time he very frankly said that that will not give them any immunity from taking the consequences of the law in this country, if they had broken any law. I can quite understand if the Honourable Member said this—that there are certain men who are exiles, whom, if they come here, we are going to prosecute or against whom we shall take such steps as the law permits us to take and there are certain other men who will not be proceeded against

[Mr. M. A. Jinnah.]

if they came to India. Now, what is the good of saying this—that we will put no difficulties in the way of these men if they come back? You know perfectly well that almost every one of them without exception could be brought under some law or other and convicted of some offence or other. I want to test the *bona fides* of the proposal which you are making.

The Honourable Sir Alexander Muddiman: Is the Honourable Member entitled to challenge the *bona fides* of my proposal?

Mr. M. A. Jinnah: I do not mean that the Honourable Member is not honest in what he says. What does it amount to when you say that the Government are not going to put any obstacles in the way of these exiles? I venture to say that almost every one of them could be prosecuted under some section or other and convicted. Perhaps I used a wrong expression when I used the phrase "*bona fides*". I did not mean to attribute anything. I want to give the House my own personal knowledge of some of these exiles. I happened to be in Berlin and I met several of them deliberately and I had long discussions with them. You know as well as we do that every one of them was helping Germany in the war. It is a fact. Now what is the position? Each one of them came to see me individually. It was not a preconceived idea at all. In the course of conversation I asked every one of them what they thought now, and I got an answer from every one of them that they had made the greatest blunder of their lives. No, Sir, I was not in authority. I was satisfied that they were stating to me their real convictions. They said, "We have learned that by associating ourselves with any foreign Government or any foreign power we are not likely to get freedom for India". They are living there now and they would like to come back to India. And let me tell you that speaking on behalf of these 10 or 12 men I say they are willing to give you an undertaking and make a solemn declaration that they will never associate themselves with any foreign Government or any foreign people in future in order to work for the good of India as they have now been convinced that those methods will not help the cause of the freedom of India. They are willing to give you a declaration, and an undertaking, and I was satisfied personally that they honestly believe that they have made a great mistake. It is not, Sir, that they are starving. They are not starving. Many of them are getting on fairly well in their various vocations. They do not therefore want to come here because they cannot get on or earn their livelihood there. They naturally want to come back to their own country and they are willing further to give you an undertaking that they will not engage themselves in any political propaganda in India which is unconstitutional or violent or non-peaceful. Now, I ask the Honourable the Home Member, does he want any more conditions? If not, then what is the good of saying "I will put no difficulties in your way", when they know perfectly well that as soon as they land here you will prosecute them, and you say so.

The Honourable Sir Alexander Muddiman: I am sorry to interrupt the Honourable Member, but to shorten the debate, I must point out that several men have returned and I have not prosecuted them.

Mr. M. A. Jinnah: I welcome the news. That is exactly what I have been urging upon the Honourable the Home Member. And if I might respectfully put the suggestions before the Honourable the Home Member,

he should entertain the applications of these men as he thinks proper and let such of them return. I have got my eye also on Japan as much as the Honourable Member has. I appreciate that, but let the applications be welcomed by you and when you find that you have got a man with whom you are satisfied give him a chance and start and give him the safety in this country which is after all his mother country, to which he longs to come back.

Now, the next point I have to deal with is to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to court. Sir, this amendment coming from my friend Mr. Goswami gives me special pleasure—I mean this part of it. I congratulate him and I want to make it quite clear that the implication of this part of the amendment is this, that we do not wish that any crime or any offence should go unpunished, even a political offence, which the Honourable Member sitting there on behalf of the Government calls graver than any other offence, while the Honourable Member on this side would consider that other offences are graver than political offences. I am not going to dispute one or the other, nor do I wish to decide the point here. I would for the present rest content with saying that an offence is an offence in the eye of the law. And certainly even my friend, Lala Lajpat Rai, made it clear that he, speaking on behalf of the very large section that he represents here, says “We condemn violence; we have condemned violence; and in spite of that, crimes have been committed”, and there may be certain revolutionary organizations in the country, and they require to be dealt with. Has anyone on this side of the House or on my side ever suggested that these revolutionary movements should not be put down? Has anyone suggested that those people who have committed offences against the State should not be tried and convicted? At least I have not. I never have and I repeat here again no offence against the State can be condoned; it must be vigorously prosecuted, and the men must be prosecuted; but for God’s sake send them up for trial, and do not let them rot in jail without trial, as you have done in the case of some 140 men, the figures given by the Honourable the Home Member, for more than a year and a quarter now; and we ask you therefore to bring them to trial and get them convicted; if you can, and the sooner you adopt this policy the more readily you will get support and response not only from the Members of this House but from the country at large.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural):

In view of the authoritative pronouncement of the Honourable the Home Member that Members who come from a province where there is no political prisoner should not have taken the trouble of moving a Resolution for the release of political prisoners, I do not know whether I should congratulate my Honourable friend Maulvi Mohammad Shafee for getting an opportunity, through the good offices of the ballot box, to move a Resolution for the release of political prisoners, for I am painfully aware of the fate that awaits Resolutions of this type. After all, ours is a recommendation and if any recommendation was necessary in an important matter like this, to awaken the executive to its sense of duty, to the people of this country, it has been thundered forth from not only the press and the platform, but has been proclaimed to the mighty rulers of this vast continent from every Indian hearth and home which has been rendered desolate, by their silent tears.

[Mr. Amar Nath Dutt.]

The Resolution divides the political prisoners into three categories, namely:

- (1) Those that are detained without trial;
- (2) Those that have been convicted after trial; and
- (3) Those that are in foreign lands, but are not allowed to return home.

Sir, as regards the first class I would like to quote a dictum of the great English jurist, Blackstone, to convince my English friends in this House, if it is at all necessary to convince any Englishman on this point. It runs thus:

"To bereave a life by violence and confiscate his estates without accusation and trial would be so gross and atrocious an act of despotism as must at once convey an alarm throughout the Kingdom. But the confinement of persons, by secretly hurrying them to jail, where their sufferings are unknown, is a *less public, less striking thing*, and therefore, a more dangerous engine of an arbitrary government."

Coming to more recent times, allow me to quote once more the words of Lord Morley written to Lord Minto. He wrote:

"I won't follow you in deportations. You state your case with remarkable force, I admit. But then I comfort myself in my disquiet of differing from you, by the reflection that perhaps the Spanish Viceroy in the Netherlands, the Austrian Viceroy in Vienna, the Bourbons in the Sicilies and Governors in the old American colonies, used reasonings not wholly dissimilar and not much less forceful."

Notwithstanding such authoritative pronouncements of great Englishmen the bureaucracy in India persists in keeping men in confinement under the well known plea of law and order which has been the cry of every irresponsible authority from time immemorial and if they persist still in keeping the flowers of our race like Subhas Chandra Bose and Anil Baran Ray in confinement, in spite of our Resolution to set them free, it proves that irresponsible government is synonymous with a government incapable of appreciating the opinion of the people governed by them; and yet we have been asked to co-operate with a Government which makes the least gesture towards popular will. I need hardly repeat all the arguments against detention without trial which have been adduced so often in this House and outside. It is against all principles of free and democratic states to keep persons imprisoned, without placing them before a court of law and testing the evidence in the light of cross-examination. In England during the war even the German spies had the benefit of a trial, though before a court martial. But here in the case of these unfortunate persons, you have only the tainted evidence of a corrupt and unscrupulous police, examined by officers who are not only subordinate but subservient to the very executive who delight in making an impression upon the people whom they rule and are thus instrumental in paving the way for revolution.

Sir, I charge the Government of this country with creating revolution in this unhappy land by driving the people in their despair of all legal and constitutional methods to one of revolution, by their unstatesmanlike actions in perpetrating such misdeeds amongst a non-violent people and I charge the Government with high crimes and misdemeanours for which they will be tried before the bar of humanity. Secure in your Regulations, Ordinances and maxim guns—emblems of brute force—you may flout the moral forces, which rule the destinies of men and nations. About 2 years ago, when I moved a Resolution in this very House for the repeal of Regulation III of 1818, I said all that need be said against deportations without trial and if there has been any real change of heart in the Government let

them prove it by actual deeds and not words. We can stretch our arms to join yours in fellowship, only when you wipe off the blood of our martyrs from your hands. Till then, pray do not insult us by asking us to grasp those bloodstained hands of yours. If you really wish to create an atmosphere on mutual good-will and trust, you should also release those, that have been convicted of political offences, for after all they are patriotic citizens, who are dissatisfied with the existing state of things and want to bring about a new and a better state of things in a political society. They are not like ordinary criminals, a menace to good government and society, but can be made pillars of strength for upholding law and order by statesmanlike measures of granting an amnesty as soon as there is a change in the political situation of a country, and I beg to assert that the present is one of such times. Patriots whom you in your mad frenzy had deported, exiled and imprisoned have now come to this House to advise and guide you in the path of rectitude and honour forgetting the personal wrongs inflicted upon them by the Government. There sits in front of you the Mazzini of Indian freedom, with the gentleness of a Christ and a Buddha and before his sacred presence let all thought of vindictiveness and race arrogance give way to a higher and nobler conception of Government.

As regards the exiles living in foreign countries, the removal of the ban against their return to their motherland is but an act of bare justice. Even the Russian Government has recalled the revolutionaries from Siberia from time to time, and I hope the British Indian Government will not lag behind Russia in a matter like this.

Sir, coming as I do from Bengal, which has justly been styled a martyr province, I once more appeal to you in the name of humanity and justice, to release the men, whom you have got under your clutches, through sheer brute force, and I once more remind you that one day you will have to render the accounts of your self-imposed trusteeship before a higher tribunal where hypocrisy and insincerity will not help you.

You may disregard this appeal, you have the power to do so, but remember that your persistence in a policy of repression will lay up such a harvest of discontent which it will not be easy to allay.

Nursed in your literature and history it will not be surprising if our schools and colleges one day ring with the echoes of the prophetic words of the British Warrior Queen as sung by your poet with necessary alterations as :

" England shall perish, write that word
In the blood she has spilt,
Perish hopeless and abhorred,
Deep in ruin as in guilt."

It behoves both you and us to prevent the coming of such a day, for I believe our destinies have been linked together by an All-Wise Providence and we are destined to walk side by side in this unhappy land for many a long and weary year to come.

Therefore, I appeal once more to you, with all the emphasis I can command, to release the political prisoners and create an atmosphere of mutual goodwill and trust. It is a piteous appeal that goes from Mother India, to liberate her sons who are kept in bondage for the only crime of loving their motherland. And I warn you that unless you accede to this very

[Mr. Amar Nath Dutt.]

reasonable and moderate demand of our countrymen, the prophecy of our great poet Rabindra Nath will be fulfilled when he says that:

"Their flag will be laid in the dust."

and let me add, with eternal ignominy and shame.

Sir Darcy Lindsay (Bengal: European): Sir, I do not propose at this late hour to weary the House by joining in a general discussion on either the Resolution or the amendment, but I wish to make a reference to what fell from my Honourable friend Mr. Goswami this morning in connection with the matter in Bengal. I understood his implication to be that the Bengal Government took into their confidence the European community of Bengal before the promulgation of the Ordinance. I believe the accusation was that there is a liaison between Government and the European community, and that they form a clique. The Honourable the Home Member has clearly stated that such is not a fact and this I most emphatically confirm. It is easy enough for my young friend, Mr. Goswami, to make wild statements of this nature, but from our point of view they are most harmful, and that is why I wish to draw particular attention to the subject. But even for the sake of argument that it were true that the English community of Bengal were consulted by the Government, they would unflinchingly have done their duty in supporting Government in any action that they thought imperative to take in the cause of law and order, which as much concerns the Europeans as it does the Indian community. In my humble opinion we all of us in this House desire to see law and order maintained and I am proud to think that we will always give our full support to Government in this. We do not like to see men detained in prison without trial and I am at one with my Honourable friend, Mr. Jinnah, in his appeal to the Government that if it is possible to bring those men to trial, they will do so. I regret, and I believe my group will be unable to support him in his request that we should vote with his side of the House in favour of the amendment, but I do again wish to express the view that we are all in favour of clemency if it is possible to exercise the same. I would like to say to the House that in our Home Member we have a man of tender heart, and if he can do anything to carry out any part of the amendment, I am sure he will gladly do so.

An Honourable Member: I move that the question may now be put.

The Honourable Sir Alexander Muddiman: Sir, the House is evidently tired of the debate and the hour is late. I will therefore not trouble the House with any long observations, but there are one or two matters which I must notice. I heard my Honourable friend Mr. Jinnah's speech with the greatest interest, as I always do. He appeals to me not only by his matter, but by his manner. He states his case clearly, impartially, and is generally therefore all the more difficult to meet because as this House is well aware, cases lose nothing by being stated moderately and impartially. He made an appeal to me to consider the amendment, which, though it emanates from another Party, and is possibly moved with another motive, he apparently is going to support. I trust he will not do so at any rate in its entirety. The first proposition that I have to deal with is that it was alleged that as I have said these repressive measures taken in Bengal had been effective, the time had come for their discontinuance. Sir, I admit and I still maintain that these measures have been effective in a remarkable degree, but it could

not have been expected that they would be entirely successful in a year. Those who follow the papers and have some regard for the evidence of courts cannot be unaware that within the last fortnight or three weeks a court has come to a finding on two very important cases, of which as they are going on appeal I will say nothing beyond the fact that they do prove that that court at any rate was convinced of the existence of the usual bomb factory, the usual arm business that we have heard so much of. Therefore it is not correct to say that the measure has been entirely effective. But I do maintain that, had we not taken these measures, we should not have been able on those two occasions to have brought these unfortunate men to trial. We have restored that element of confidence which is essential in all law-abiding countries, that the law again can protect men from lawless attacks. We have restored that. I myself have been in Bengal, in Calcutta for a good portion of this cold weather and I have had opportunities of feeling the very different atmosphere that has arisen there. I hope that atmosphere will continue to improve. When it does, no one will be more willing than I am to deal with this question in the way which would meet with the full approval of my Honourable friend. But it must not be thought that even now we maintain an iron attitude. We do not. It is our object and our considered policy, which was settled and agreed on with the Government of Bengal, that, wherever it is possible to mitigate or remove all restriction, it should be done, and the proof of our real intentions is the fact that a large number of these men are not in jail. We hope to be able to have an amnesty not in the sense that all will ever be released at one time, but we do hope, as things improve, that the restrictions may be either entirely removed, or that they may grow less and less as time goes on. That is the first point I have to make on that.

On the second point I have been perfectly frank with the House and so has my Honourable friend been with me; but I do not quite appreciate the point. However, I understand him to say "You will not grant these people passports or you prevent them from getting passports."

Mr. M. A. Jinnah: Sir, I never said that the Government prevent them from getting passports.

The Honourable Sir Alexander Muddiman: The point was that we do not want to put obstructions in the way of their return. What we are asked for has not merely been assistance in the way of passports; it has really been for a certificate of indemnity. My Honourable friend with his usual fairness recognises that there are men and he named one—I could name another—whom, if he came to India, I have no hesitation in saying I would put on his trial for his life at once. There are other men he referred to who in greater or less degree have linked themselves with the enemy during the War and who, as he now tells us from his personal experience, are sorry they backed a losing horse. They may be sorry. I am ready to give the utmost importance to his opinion that they are really reformed characters. The House cannot lay down nor can I lay down any general rule as to the way individual cases can be treated. Neither can I in this House stand up and say "So and so can come to India without fear of being prosecuted." But I do say that any case which is brought to my notice will receive careful attention. The past record of the man will be looked up, how far he is really dangerous will be considered and how far we have reason to believe that he has been the victim of circumstances. That I think is a very fair reply to my

[Sir Alexander Muddiman.]

Honourable friend and I hope he will take it. The only other point is that he does support the position that offences against the State must be treated in the same way as other offences. He recognises as a lawyer must do and as I do that an offence is an offence. That of course is not the position that has been taken in other quarters of the House, and therefore on this head at any rate he has every reason to vote with me.

It has been maintained in other quarters that State offences are something trivial and indeed one gentleman, who is not here, was good enough to address some of his remarks very directly to me, went so far as to say that I was calling out the beast and not the God in man by my attitude towards these offences. Sir, I desire always to appeal to the God and not to the beast; and I now desire very much to raise a *deus ex machina* who will persuade the House to vote against this amendment.

Mr. President: The question was:

"That the following Resolution should be adopted, namely:

'This Assembly recommends to the Governor General in Council that he be pleased:

- (a) to order the unconditional release of all such convicted or under-trial political prisoners in Indian jails as have not been held guilty or charged with any act of violence and all political détenus whose trial in a court of law is not contemplated;
- (b) to order the release of all other political prisoners convicted or under trial, provided that a committee consisting of two members elected by the Legislative Assembly and two members nominated by the Government recommend their release; and
- (c) to allow the return to their homes of all Indian exiles in foreign countries who are supposed to have been concerned in revolutionary movements in order to secure freedom for India on such reasonable and honourable terms as the Government may think fit to impose.'"

Since which an amendment has been moved:

"That for the original Resolution the following be substituted:

'That this Assembly recommends to the Governor General in Council that he be pleased:

- (a) forthwith to secure the immediate release of all political prisoners detained without trial;
- (b) to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may be or may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India;
- (c) to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to Court.'"

Mr. R. K. Shanmukham Oshetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, before you proceed to put the question I want to make a representation for your consideration. The usual practice of this House is that when an amendment has been moved to the original Resolution, the amendment is put to the vote first and if it is lost, for the original question to be put thereafter. But under Standing Order 67 (2).

Mr. President: Will the Honourable Member state to the point and say what he wants?

Mr. R. K. Shanmukham Oshetty: Under Standing Order 67(2) it shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward. Therefore, Sir, the question whether the original motion or the

amendment is to be put to the vote first is within your discretion, and this is a case in which we would submit for your consideration that the original proposition must first be put to the vote and then the amendment. Sir, my reason is shortly this: when there are two or more amendments which are to be put to the vote, it is the usual practice to put the more comprehensive amendment to the vote first; and my submission is that the original proposition being more comprehensive than the amendment, you must give an opportunity for those of us who want to record their vote in favour of the original proposition to do so.

Mr. M. A. Jinnah: I would ask you, Sir, to exercise your discretion the other way, because if the proposition is carried the amendment could never be put; whereas if the amendment were carried, the proposition could be put as amended and it may be lost or carried.

The Honourable Sir Alexander Muddiman: I would merely suggest, Sir, that the amendment might be put and then, if that was carried, it could be put as the amended Resolution and that will give the House an opportunity to vote on the amendment, if carried, as a substituted Resolution.

Mr. President: What the Honourable Member from Madras wants is that the House should be given an opportunity to express its view on the main Resolution; and if there is a considerable section of the House which desires the decision of the House on the original Resolution to be recorded, the Chair will not stand in its way.

Mr. President: The original question was:

"That the following Resolution be adopted, namely:

'This Assembly recommends to the Governor General in Council that he be pleased:

- (a) to order the unconditional release of all such convicted or under-trial political prisoners in Indian jails as have not been held guilty or charged with any act of violence and all political détenus whose trial in a court of law is not contemplated;
- (b) to order the release of all other political prisoners convicted or under trial, provided that a committee consisting of two members elected by the Legislative Assembly and two members nominated by the Government recommend their release; and
- (c) to allow the return to their homes of all Indian exiles in foreign countries who are supposed to have been concerned in revolutionary movements in order to secure freedom for India on such reasonable and honourable terms as the Government may think fit to impose.'

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- (c) to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to Court.'

The question I have to put is that the original Resolution be adopted.

The Assembly divided :

AYES—40.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Badi-uz-Zaman, Maulvi.
Chaman Lal, Mr.
Ohanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Pandit Nilakantha.
Datta, Dr. S. K.
Duni Chand, Lala.
Duté, Mr. Amar Nath.
Goswami, Mr. T. C.
Gulab Singh, Sardar.
Hla. U.
Iyengar, Mr. A. Rangaswami.
Joshi, Mr. N. M.
Kidwai, Shaikh Mushir Hosain.
Lajpat Rai, Lala.
Lohokare, Dr. K. G.
Majid Baksh, Syed.
Malaviya, Pandit Krishna Kant.

Malaviya, Pandit Madan Mohan.
Murtusa Sahib Bahadur, Maulvi Sayad.
Narsain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Piyare Lal, Lala.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Shafee, Maulvi Mohammad.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Talatuley, Mr. S. D.
Tok Kvi, U.
Yusuf Imam, Mr. M.

NOES—46.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Aqeb Khan, Captain.
Akram Hussain, Prince A. M. M.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Carey, Sir Willoughby.
Clow, Mr. A. G.
Cooke, Mr. H. G.
Crawford, Colonel J. D.
Donovan, Mr. J. T.
Gordon, Mr. R. G.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh Brar, Sardar Bahadur Captain.
Hudson, Mr. W. F.
Hyder, Dr. L. K.
Innes, The Honourable Sir Charles.
Jafar, Mr. K. S.
Lindsay, Sir Darcy.

Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Makan, Khan Sahib M. E.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Naidu, Rao Bahadur M. C.
Neave, Mr. E. R.
Owens, Lieut.-Col. F. O.
Rahman, Khan Bahadur A.
Raj Narain, Rai Bahadur.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vernon, Mr. H. A. B.
Vijayaraghavacharyar, Sir T.
Willson, Mr. W. S. J.

The motion was negatived.

Mr. President: The question is :

“ That the following amendment be adopted :

‘ That this Assembly recommends to the Governor General in Council that he be pleased :

- (a) forthwith to secure the immediate release of all political prisoners detained without trial;
- (b) to take steps to remove all difficulties in the way of the return to India of all Indian exiles in foreign countries who may be or may have been suspected of being concerned in any revolutionary or other activities regarded by Government as prejudicial to the interests of India;
- (c) to bring to trial under the ordinary law of the land such persons against whom Government think that they have sufficient evidence to go to Court. ”

The Assembly divided :

AYES—53.

Abdul Haye, Mr.
Abdul Karim, Khwaja.
Abnyankar, Mr. M. V.
Aciarya, Mr. M. K.
Aiyangar, Mr. K. Rama.
Apmuzzaman Chowdhry, Khan Bahadur.
Badi-uz-Zaman, Maulvi.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Dr. S. K.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Ghose, Mr. S. C.
Ghulam Abbas, Sayyad.
Goswami, Mr. T. C.
Gulab Singh, Sardar.
Hla, U.
Iyengar, Mr. A. Rangaswami.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.
Kidwai, Shaikh Mushir Hosain.
Lajpat Rai, Lala.

Lohokare, Dr. K. G.
Majid Baksh, Syed.
Malaviya, Pandit Krishna Kant.
Malaviya, Pandit Madan Mohan.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Piyare Lal, Lala.
Ramachandra Rao, Diwan Bahadur M.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Shafee, Maulvi Mohammad.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Talatuley, Mr. S. D.
Tok Kyi, U.
Venkatapatiraju, Mr. B.
Yakub, Maulvi, Muhammad.
Yusuf Imam, Mr. M.

NOES—45.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Carey, Sir Willoughby.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Donovan, Mr. J. T.
Gordon, Mr. R. G.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh Brar, Sardar Bahadur Captain.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Jatar, Mr. K. S.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.

Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Makan, Khan Sahib M. E.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Naidu, Rao Bahadur M. C.
Neave, Mr. E. R.
Owens, Lieut.-Col. F. C.
Rahman, Khan Bahadur A.
Raj Narain, Rai Bahadur.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vernon, Mr. H. A. B.
Vijayaraghavacharyar, Sir T.
Willson, Mr. W. S. J.

The motion was adopted.

Mr. A. Rangaswami Iyengar: May I, with your permission, suggest that the next Resolution on the agenda paper may be moved and taken on to the next day?

Mr. President: It is now past six. If the House is prepared to sit till the Resolution is discussed and disposed of, the Chair has absolutely no objection.

Mr. Gaya Prasad Singh: I suggest that the Resolution may be only formally moved and the discussion carried over to the next day.

Mr. President: That cannot be permitted at the cost of Resolutions ballotted for the next day. If the House is willing to sit at this late hour and dispose of the Resolution, the Chair is willing to take it up.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 27th January, 1926.

LEGISLATIVE ASSEMBLY.

Wednesday, 27th January, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock,
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

THE SPAHLINGER TREATMENT FOR TUBERCULOSIS.

283. ***Mr. Chaman Lall:** (1) Are Government aware of the immense possibilities of the Spahlinger treatment for tuberculosis?

(2) Are Government intending to make arrangements for the provision of this treatment for patients in India?

Mr. J. W. Bhore: (1) The Government of India are watching closely the reports published in scientific journals and literature regarding the results of the Spahlinger treatment. Such inquiries as have been practicable in the absence of a supply of M. Spahlinger's preparation for scientific investigation have been made by the Health authorities. The results of these inquiries do not so far justify a pronouncement of opinion as to the efficiency of the treatment.

(2) The matter is one for decision by Local Governments.

Mr. Chaman Lall: Are Government aware that there was a very favourable report made by certain medical members of the House of Commons regarding this treatment?

Mr. J. W. Bhore: I am aware of that

Mr. A. Rangaswami Iyengar: May I know whether it is not possible for the Government of India to advise the Local Governments to get this particular serum, or whatever it is called, in order to try it in this country?

Mr. J. W. Bhore: I have tried to explain in my reply that we have not yet been able to get a quantity sufficient even for experimental purposes. But the Honourable gentleman may rest assured that we will pursue investigations into the efficiency of this form of treatment.

REFUSAL OF A PASSPORT TO MR. SABHERWAL TO RETURN TO INDIA.

284. ***Mr. Chaman Lall:** (a) Is it a fact that one Sabherwal was denied his passport when he applied for one at Tokyo to the British Embassy?

(b) Is it a fact that he was told he could take a certificate which would enable him to get to India?

(c) Is it a fact that he was warned that he would return to India at his own risk and that he may be liable to prosecution?

(d) Will Government state the charges against Mr. Sabherwal?

Sir Denys Bray: (a) and (b). The Honourable Member is referred to the answer given on the 22nd January, 1925, to a similar question No. 87 on the same subject by Lala Duni Chand.

(c) Government understand that this is so.

(d) Government are not prepared to make any statement on the subject.

Mr. Chaman Lal: May I know what that reply was? It is very difficult for me to ask any supplementary questions without having the reply before me.

Mr. Devaki Prasad Sinha: What is the difficulty that Government feel in stating the charges against this man, Mr. Sabherwal?

Sir Denys Bray: I am not sure that Government feel any difficulty. They simply state that they are not prepared to make a statement.

Mr. Chaman Lal: Are Government prepared to carry out the pledge given by the Honourable the Home Member yesterday that no difficulty would be placed in the way of foreign exiles coming into this country in the shape of refusal of passports, etc.?

Sir Denys Bray: May I point out to the Honourable Member that the question asks, "Is it a fact that he was told he could take a certificate which would enable him to get to India", and I reply, "It is a fact". He could get a certificate which would enable him to get to India.

Mr. A. Rangaswami Iyengar: May I know whether it is open to the Government to say in reply to a question that they are not prepared to answer the question?

Sir Denys Bray: I think so, Sir.

RECRUITMENT OF INDIAN LABOURERS FOR MALAYA.

285. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to state if immigration of Indian labourers into Malaya still continues; and if so, what is the system of recruitment?

Mr. J. W. Bhore: Yes, on the terms and conditions specified in the Government of India, Department of Revenue and Agriculture, Notification No. 187-Emi., dated the 17th February, 1923, which was issued with the approval of the Legislative Assembly and Council of State. The system of recruitment is detailed in the Indian Emigration Rules, 1923, made by the Governor General in Council, under section 24 of the Indian Emigration Act, 1922 (VII of 1922). A copy of the notification and the rules has been placed in the Library of the House.

RECRUITMENT OF INDIAN LABOUR FOR THE SINGAPORE NAVAL BASE.

286. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a London cable published in the *Statesman* of the 19th December, 1925, in which it is said that the Under Secretary for the Admiralty stated in the House of Commons that the most suitable labour for the Singapore Naval Base was to be recruited from the Northern and not the Southern Provinces of India?

(b) Have the Government received any communication on this subject from any authority; and if so, will the Government be pleased to lay a copy of it on the table?

Mr. J. W. Bhore: (a) Yes.

(b) No.

CONSCRIPTION OF INDIAN LABOUR FOR THE SINGAPORE NAVAL BASE.

287. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the following report published in the *Singapore Free Press*, dated the 8th July, and reproduced in the *Indians Abroad* of Madras of September, 1925, under heading "Indian Labour in Malaya"? "Six Indians were produced in the Police Court yesterday and charged with attempting to leave Singapore on board a steamer bound for Dutch territory, without having passports. They were detained on board the steamer "Senang" by Boarding Officer S. Lazaroo when the vessel was about to sail for Palambang. Mr. Handy, Controller of Labour, was present in court to prosecute the accused men, who however withdrew their plea of not guilty and admitted the charge. Mr. Handy said that he wished to press the case, as quite a number of these men, who were immigrants, were attempting to leave the colony by unlawful means. They were going to the Dutch Indies and the authorities were particularly unwilling to let them go because they were wanted for the work on the Naval Base here. They wished to put a stop to these men leaving the Colony, if it was possible. It is said that the accused are Malabarites and that they are workmen who are more suitable for the Naval Base work than coolies from other parts of India".

(b) Is Indian labour for the Singapore Naval Base conscripted, and have not the Indian labourers for Malaya a full right to go to places where in their opinion conditions of labour are sufficiently attractive?

(c) Do Government propose to make an inquiry into the matter and see that passport facilities are easily given to those who want to leave Singapore?

Mr. J. W. Bhore: (a) Yes.

(b) and (c). It has not been suggested that Indian labour for the Singapore base is conscripted and it may be assumed that it is not. The arrest and prosecution of the men referred to in part (a) was in accordance with the Straits Settlements Labour Ordinance which prohibits the departure of an immigrant from any settlement in the Colony except to a country to which Indian emigration is authorised by the Governor with the consent of the Government of India. Emigration to the Dutch Indies, to which the immigrants in question endeavoured to proceed, has not been declared lawful by the Governor General in Council under the provisions of section 10 of the Indian Emigration Act VII of 1922. Further inquiries in the matter are not therefore called for.

TOTAL NUMBER OF INDIAN LABOURERS EMPLOYED ON THE SINGAPORE NAVAL BASE.

288. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to state the total number of skilled and unskilled Indian labourers employed on the Singapore Naval Base, and the rates of wages paid to them?

Mr. J. W. Bhore: Inquiries are being made and the information required will be furnished to the Honourable Member in due course.

CREMATION OF DEAD BODIES BY HINDUS IN BRITISH GUIANA.

289. ***Mr. Gaya Prasad Singh:** With reference to my starred question No. 575 of the 2nd February, 1925, and the reply of the Government that inquiry will be made whether effect has been given to the assurance given by the British Guiana Deputation for allowing the Hindus in British Guiana to cremate their dead bodies, will the Government kindly state if such an inquiry has been made, and the Hindus are freely allowed to cremate their dead bodies?

Mr. J. W. Bhore: Kunwar Maharaj Singh, who has recently visited British Guiana, reports that, as in Mauritius and Trinidad, Indian customs undergo considerable changes in the Colonies. The practice of Hindus in British Guiana is to bury their dead instead of cremating them; he received no complaint from Hindus on the subject of the lack of facilities for burning their dead. The Town Council of Georgetown is empowered to establish a crematorium, but has received no application from Hindus on the subject. He has no doubt that Government would make the necessary arrangements, if a demand is made by responsible Indian opinion in the Colony. The Government of India have inquired what action the Colonial Government are taking to remove such obstacles as may still exist in the way of Indians cremating their dead; and are awaiting a reply.

RECOMMENDATIONS MADE BY KUNWAR MAHARAJ SINGH IN CONNECTION WITH HIS DEPUTATION TO MAURITIUS.

290. ***Mr. Gaya Prasad Singh:** Will the Government kindly state what conclusions they have arrived at regarding the recommendations contained in the report of Kunwar Maharaj Singh of Mauritius, and when do they intend to give effect to the same?

Mr. J. W. Bhore: The attention of the Honourable Member is invited to the reply given by me to Khan Bahadur Sarfaraz Hussain Khan's question No. 52 on the same subject.

Mr. Gaya Prasad Singh: May I know, Sir, whether the Government have decided to give an opportunity to this House to express its opinion before final conclusions are reached with regard to Mauritius?

Mr. J. W. Bhore: I can assure the Honourable Member that we shall take into our confidence the Standing Emigration Committee of this House.

TRAGIC DEATH OF AN INDIAN IN MOMBASA.

291. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a report published in the *African Comrade*, Dar-es-Salam, dated the 28th November, 1925, headed "A ghastly Mombassa tragedy"?

(b) Will the Government be pleased to say if any inquiry has been made or will be made into the circumstances resulting in the tragic death of an Indian, and the possible death of another?

Mr. J. W. Bhore: (a) Yes.

(b) An inquiry has been made.

Mr. Gaya Prasad Singh: What is the result of the inquiry to which the Honourable Member refers?

Mr. J. W. Bhore: We have not yet had a reply to the inquiry.

REFUSAL OF PERMISSION TO DR. MANILAL TO RESIDE IN THE STRAITS SETTLEMENTS.

292. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a letter of Mr. Chakradhar Sharan under heading "Dr. Manilal, Bar.-at-law", and published in the *Hindi* of Jacobs, Natal, South Africa, on 14th and 21st of August, 1925?

(b) Is it a fact that Dr. Manilal, Bar.-at-law, was interned and subsequently deported after the Fiji strike, and that no charge was either brought against him or proved in the open court?

(c) Is it a fact that when he went to New Zealand and applied for permission to practise there, he was not allowed to do so in spite of the fact that Mr. Bartram and Mr. M. C. Combs (both members of the New Zealand Parliament) stated that they made independent inquiries on the spot from European and Indian sources, and came to the conclusion that the applicant was "not the cause of the strike, riots and disturbances in any sense, principal, subordinate or auxiliary"?

(d) Is it a fact that at the time of deportation he was not allowed time even to arrange for the sale of his properties and other belongings?

(e) Is it a fact that when he wanted to go to Penang he was warned by the Government through the District Magistrate of Gaya that there is every likelihood that the Penang authorities may not allow him to land there on the ground of his being an "undesirable immigrant"?

(f) If so, will the Government be pleased to state the reasons which have led the Government to give such a warning to him?

(g) Is it a fact that his correspondence is censored? If so, why?

Mr. J. W. Bhore: (a) Yes.

(b) Information regarding the part taken by Mr. Manilal in the disturbances in Fiji and his externment from certain Districts by the Government of the Colony is contained in the correspondence published with the Resolutions of the Government of India in the Department of Commerce, No. 4085, dated the 18th July, 1920, and No. 4918, dated the 5th August, 1920. He was not interned in Fiji nor subsequently deported therefrom but, as he himself has publicly stated, left the Islands of his own free will and accord.

(c) Government understand that Mr. Manilal was not enrolled or allowed to practise as a lawyer by the Supreme Court of New Zealand: they have no information beyond this.

(d) Does not arise.

(e) and (f). In 1921 Mr. Manilal was informed by the Straits Settlements Government that permission would not be granted to him to reside in Singapore. In December, 1924, at the instance of that Government the Government of India caused Mr. Manilal to be informed through the local civil authorities concerned that his presence in the Straits Settlements was not desired. This warning was conveyed to Mr. Manilal personally by the District Magistrate, Gaya, but the terms in which he did so are not known.

(g) So far as the Government of India are aware, Mr. Manilal's correspondence is not being censored.

**INSULTING CONDUCT OF THREE NON-COMMISSIONED BRITISH OFFICERS TO
MR. NAROTTAMDAS MURARJEE.**

298. *Mr. Gaya Prasad Singh: (a) Has the attention of the Government been drawn to a report published in the *Hindustan Times*, dated the 18th December, 1925, about the annoyance and insult to Mr. Narottamdas Murarjee, by three non-commissioned officers of the British Army in a first class compartment, while travelling from Poona to Bombay?

(b) What are the facts of the case, and the names of the officers concerned?

(c) What punishment has been inflicted on the offenders?

Mr. E. Burdon: (a) Government have seen a copy of the article referred to by the Honourable Member.

(b) and (c). An inquiry has been made from the local military authorities, whose report is awaited. Meanwhile an account of the proceedings of the Court-Martial which tried and sentenced these men has appeared in the Press between the 8th and 14th January. The sentences, which were severe, are reported to have been confirmed by the General Officer Commanding, Poona District. If the official report reveals anything further, I will communicate the substance of it to the Honourable Member.

Mr. Gaya Prasad Singh: What were the sentences, Sir.

Mr. E. Burdon: I cannot remember the particulars, but I will find out and let the Honourable Member know. The information has appeared in the papers.

APPOINTMENT OF A ROYAL COMMISSION ON AGRICULTURE.

294. *Mr. Gaya Prasad Singh: (a) Is it in contemplation to appoint shortly a Royal Commission to investigate and report on the agricultural conditions in India, and that the views of the Local Governments have been invited?

(b) If so, will the Government be pleased to lay on the table a copy of any correspondence, which may have passed between them and the Secretary of State for India, and the Local Governments?

Mr. J. W. Bhore: (a) and (b). The Honourable Member is referred to the reply given by me to Kumar Ganganand Sinha's question on this subject. The purport of the correspondence that has passed on the subject of the Royal Commission on Agriculture between the Government of India and the Secretary of State has been stated in His Excellency's speech opening the Session. The question of publishing this correspondence will be considered.

Mr. K. Ahmed: Do the Government of India propose to do their level best to select the best persons, as Members of the Commission, from all the provinces in India representing the agriculturists, who are 95 per cent. of the population of the whole of India?

Mr. J. W. Bhore: I think, Sir, that that question contains the somewhat improper suggestion that the Government of India will not select the best persons, and I am sure the Honourable Member has no right to make that suggestion.

Mr. K. Ahmed: Do I understand, Sir, that the intention of the Government is so bad (laughter) that 95 per cent. of the population of India will not gain their share in the selection of the best persons in the matter of a Commission which involves a good deal of expenditure which comes from the pockets of the people. . . .

Mr. J. W. Bhore: Sir, I regret that it seems impossible to make the Honourable Member understand. . . .

Mr. K. Ahmed: Is it impossible for the Honourable Member to enlighten the House that, for the benefit of the people of this country, he will accept the suggestion that there should be represented on the Agricultural Commission the best persons, the true representatives of the people, and not of the Government?

Mr. J. W. Bhore: I think, Sir, that the House is already enlightened on that point.

Mr. Gaya Prasad Singh: Is not agriculture a provincial and transferred subject, and were the views of Ministers of the Provinces taken before this Royal Commission on Agriculture was appointed?

Mr. J. W. Bhore: My Honourable friend has perhaps not listened to the reply that I gave the other day to another question in this House. I have placed the replies of all the Local Governments who were consulted in regard to this Royal Commission in the Library of the House, and he will see that there is practically unanimous approval of this Commission.

Mr. Devaki Prasad Sinha: By what time is this Agricultural Commission expected to start work?

Mr. J. W. Bhore: I regret I am not in a position to give the Honourable Member any details as to dates.

Mr. K. Ahmed: In view of the fact that my Honourable friend, the Secretary in the Department of Agriculture, has answered in this House that Government have no intention of selecting persons who are representatives of the people of this country, do I understand, Sir, that there is an admission on his part that the Government are going to nominate persons according to their own desire and not that of the people of this country and the masses?

Mr. President: The Honourable Member may draw his own inference.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

295. ***Mr. Gaya Prasad Singh:** (a) With reference to question No. 14 of the 30th January, 1924, asked in the Council of State, regarding the separation of judicial from executive functions, will the Government be pleased to say if they have received the final views of all Local Governments consulted on the subject? And will the Government kindly say which Government has not yet given their reply?

(b) Do Government propose to place all proposals on the subject before this House; and if so, by what time?

Mr. H. Tonkinson: I am unable to add any appreciable information to that which has been given from time to time on this subject. I may say, however, that the Government of India consulted no Local Government on the subject, but certain Local Governments have submitted schemes of separation for consideration. Some of those schemes are only tentative.

TOTAL NUMBER OF ELECTORS FOR THE COUNCIL OF STATE.

296. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to give a statement showing, Province by Province, the total number of electors of the Council of State, the actual number of votes polled, and the percentage of votes polled, separately in the last two elections of the Council of State?

Mr. H. Tonkinson: The information regarding the first general election to the Council of State is contained in the Return presented to Parliament in 1921 (Command Paper 1261) a copy of which is in the Library of this House. A similar Return is now under preparation as regards the second general election to the Council of State, and a copy of it will be placed in the Library in due course.

GRANT OF AN EMERGENCY CERTIFICATE TO DR. SUDHINDRA BOSE OF THE STATE UNIVERSITY OF IOWA TO RETURN TO INDIA.

297. ***Mr. Gaya Prasad Singh:** (a) With reference to starred questions No. 35 of the 25th August, and No. 378 of the 1st September, 1925, regarding the grant of a passport to Dr. Sudhindra Bose, M.A., Ph.D., of the Iowa State University, has the attention of the Government been drawn to a letter from Dr. Bose, published in the *Amrita Bazar Patrika*, dated the 24th November, 1925?

(b) With reference to the reply given by Government on the 1st September, 1925, that in 1924 "the British Ambassador at Washington was informed in May of that year that Dr. Bose might be granted an emergency certificate to permit him to return direct to India but should not be given a passport" are Government aware that Dr. Bose did apply for such an emergency certificate, and the British Consul in Chicago, Mr. Lomax, wrote to him that his "application for direct journey to India has already been telegraphed to the authorities, and as yet no reply has been received"?

(c) Are Government aware that even up to 21st October, 1925, Dr. Bose did not get the necessary permit?

(d) Will Government kindly state why it was decided that Dr. Bose should not be given a passport; and who is the authority responsible for this decision?

(e) Has any inquiry been made, or will any inquiry be made as to why the emergency certificate has not yet been given to Dr. Bose to visit India?

Mr. H. Tonkinson: (a) Yes.

(b), (c), (d) and (e). I have no information in the matter beyond that given in the reply which was given to the questions asked in this House on the 1st September 1925. I have caused further inquiries to be made and shall inform the Honourable Member of the result in due course.

ALTERATIONS TO THE "D" TYPE OF INDIAN QUARTERS AT RAISINA.

298. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to starred question No. 662 (a), asked in the meeting of the Legislative Assembly held on 3rd September, 1925, will Government please state if they have arrived at a decision on the question?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir Bhupendra Nath Mitra: No decision has yet been reached.

Khan Bahadur Sarfaraz Hussain Khan: May I have an idea of the time?

The Honourable Sir Bhupendra Nath Mitra: I cannot give a definite answer to that question, Sir, but we are trying to expedite the decision as far as possible.

SUCCESSFUL CANDIDATES IN THE I. C. S. EXAMINATIONS HELD IN INDIA.

299. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the statement laid on the table in reply to my starred question No. 444 (a) asked in the Legislative Assembly on the 2nd September, 1925, showing that the number of candidates that came out successful at the Indian Civil Service examination held in India in the years 1922, 1923, 1924, 1925 was one from Bihar and Orissa, and nil from Burma and Assam, will Government please state whether it was only one candidate who sat for the examination from Bihar and Orissa and none from Burma and Assam or whether it was that more candidates sat for the examination and only one passed from Bihar and Orissa and none from Burma and Assam?

Mr. H. Tonkinson: I have laid on the table a statement showing the number of candidates from Burma, Bihar and Orissa and Assam, who sat for the Indian Civil Service examinations held in India in those years and who with one exception were unsuccessful

Statement showing the number of candidates from Burma, Bihar and Orissa and Assam who sat for the Indian Civil Service examinations held in India.

Province.	NUMBER OF CANDIDATES WHO SAT IN			
	1922.	1923.	1924	1925.
Burma	1	..	2	1
Bihar and Orissa	6	10	6	4
Assam	4	3	3	2

PAY OF THE INDIAN ARMY SERVICE CORPS CLERKS.

800. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 477 (b) asked in the meeting of the Legislative Assembly held on 2nd September, 1925, will Government please state if they have considered the subject and arrived at a decision?

(b) If so, will they please communicate their decision to the House?

Mr. E. Burdon: (a) and (b). The proposals are still under consideration and it is hoped that a final decision will be reached shortly.

WEIGHING MACHINE AT EGMORE STATION.

801. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Indian Railway Magazine* of October, 1925, page 1, under the heading "Notes and Comments"?

(b) If so, will they please state if the statements of facts made therein regarding the weighing machine at Egmore station, are correct?

Mr. G. G. Sim: (a) and (b). The Government have no information on the point raised. They have however sent a copy of the paragraph to the Agent for such action as he may consider necessary. I may mention that the adequacy of arrangements for the weighing of passengers' luggage is one of the points inquired into by the Senior Government Inspector of Railways.

PREVENTION OF PERSONS TRAVELLING WITHOUT TICKETS ON RAILWAYS.

802. ***Khan Bahadur Sarfaraz Hussain Khan:** (1) Will Government please state:

(a) if they intend to introduce a Bill amending the Railways Act so as to make the law dealing with passengers travelling without tickets more stringent?

(b) if it is a fact that more than 200,000 persons travel every year without tickets?

(2) If the figure quoted is not approximately correct, will they please give correct figures?

Mr. G. G. Sim: (a) The matter is under consideration.

(b) and (c). During the year 1924, 2,347,819 passengers were found travelling without tickets on Class I, Railways (Laughter) and for the first-half of 1925 the number was 1,080,785. (Laughter.)

Mr. Devaki Prasad Sinha: From how many of these millions of persons who travelled without tickets were the railway fares due to railway companies recovered?

Mr. G. G. Sim: If the Honourable Member will put down a question, I will try to get the information for him. To the best of my recollection, in only a percentage of the cases were the fares recovered.

PREVENTION OF VENEREAL DISEASES AND PROSTITUTION IN INDIA.

808. ***Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state:

- (1) if it is a fact that Parliament passed a Venereal Diseases Act in 1917?
- (2) if there is any Venereal Diseases Act in force in India?
- (3) if it is a fact that the National Council for combating Venereal Diseases of England organised a Social Hygiene Congress at Wembley in May 1924?
- (4) if there is any branch of the Social Hygiene Congress in India?
- (5) if it is a fact that England does not recognise prostitution?
- (6) if they consider the desirability of introducing legislation penalising prostitution in India?
- (7) if the answer to (6) be in the negative, will Government please give reasons?

Mr. J. W. Bhore: (1) Yes.

(2) No.

(3) Yes.

(4) No.

(5) I do not quite follow what the Honourable Member means by the recognition of prostitution and I am not in a position to state with accuracy the attitude of Government in England towards this subject.

(6) and (7): The Government of India do not propose to introduce legislation on this subject in the Central Legislature. They consider it essentially a matter which should be dealt with by provincial legislation.

PROPOSED DEPUTATION FROM THE INDIAN TRADE UNION CONGRESS TO SOUTH AFRICA.

804. ***Mr. Ohaman Lall:** (a) Will Government lay on the table an interim report of the deputation recently sent to South Africa by the Government of India?

(b) Are Government prepared to afford the necessary facilities for a deputation on behalf of the Indian Trade Union Congress to proceed to South Africa in pursuance of the Resolution passed by the Empire Labour Conference in this behalf?

Mr. J. W. Bhore: (a) The Government of India have received a telegraphic summary of the provisional conclusions of their deputation as the result of their tour in Natal. These findings have been brought to the notice of the Union Government and certain suggestions have been made. But until the deputation are in a position to communicate their final conclusions on the points referred to them, Government are not prepared to consider the question of publication.

(b) Government have not seen the resolution passed by the Empire Labour Conference and have not been approached by the Indian Trade Union Congress for facilities for sending a deputation to South Africa.

Mr. Devaki Prasad Sinha: Sir, will the Government of India give an assurance that, if they are approached by the Indian Trade Union Congress, they will consider the suggestion?

Mr. J. W. Shore: We shall certainly consider the question—I can give that assurance.

REDUCTION OF BRITISH TROOPS IN INDIA.

805. ***Sir Hari Singh Gour:** (a) With reference to my starred question No. 188 and the Government's reply thereto, dated the 5th February, 1924, will the Government be pleased to state what action they have taken regarding the reduction of British troops in India in consequence of the recommendations of the Inchcape Committee?

(b) Is it a fact that the British Army in India is maintained as a part of the British Reserve? If the answer is in the affirmative, are the Government prepared to press upon the British Treasury the desirability of assuming the burden of such maintenance *pro tanto*?

Mr. E. Burdon: (a) The attention of the Honourable Member is invited to the replies given on the 1st February, 1924, to starred question No. 40 and on the 24th February, 1925, to starred question No. 1008.

(b) The answer to the first part of this question is in the negative, as I stated in reply to a question previously asked by the Honourable Member on the same subject on the 5th February, 1924.

The second part does not arise.

Mr. K. Ahmed: Sir, in view of the fact that the British Army in India is maintained as a part of the British Reserve, why should they not share the expenses?

Mr. E. Burdon: I have just stated that the Honourable Member's premise is incorrect.

CASE OF MR. TEK CHAND, POSTAL INSPECTOR, MULTAN DIVISION.

806. ***Mr. Ohaman Lall:** (1). (a) Is it a fact that according to the rules of the special rules and circulars issued under the authority of the Postmaster General, Punjab, an anonymous complaint received by the Department should be filed?

(b) Is it a fact that during the month of April, 1923, an anonymous complaint about the receipt of illegal gratifications against Inspector Tek Chand of the Multan Division was received in the Postmaster General's office and sent on to the Superintendent, Posts, Multan Division, for disposal, who in his turn filed it on account of its anonymity?

(c) Is it a fact that Mr. Niaz Qutab, Deputy Postmaster General, on his visit to Multan asked the Superintendent, Multan, if there was anything on record against the said Inspector?

(d) Is it a fact that Superintendent, Khalifa Fazal Rasul, made over to the Deputy Postmaster General the anonymous complaint lying in his office which had already been filed by him?

(e) Is it a fact that Mr. Niaz Qutab induced the Postmaster General, Mr. Booth, to allow him to start an inquiry against Mr. Tek Chand and obtained his permission to do so?

(f) Is it a fact that Inspector Tek Chand was placed under suspension during all this period of inquiry?

(g) Is it a fact that 15 charges of corruption were laid against the Inspector by the Deputy Postmaster General, 12 out of which fell through on account of lack of evidence against him, and is it a fact that only four out of twenty-five witnesses named by the Inspector were called for by the Deputy Postmaster General?

(2) Are the Government aware that on the report of the Deputy Postmaster General, Mr. Booth, the Postmaster General, Punjab, removed Mr. Tek Chand from the Inspector's line to the general line for the whole of his life making him a clerk in the Lahore Head Post Office?

The Honourable Sir Bhupendra Nath Mitra: (1) (a) Government understand that there is a rule warning officials of the Department that anonymous or pseudonymous letters sent by them will receive no attention.

(1) (b) to (g) and (2). Government have no information. If the individual referred to has any grievance, he is at liberty to appeal in the usual manner.

Mr. Chaman Lal: There are definite allegations made in this question. Have Government no reply to these allegations?

The Honourable Sir Bhupendra Nath Mitra: I have already replied to the question, Sir, as it stands. The information asked for has been given to the Honourable Member.

Mr. Chaman Lal: Is it not a fact, Sir, that this is a matter of great public interest?

The Honourable Sir Bhupendra Nath Mitra: That is a matter of opinion, Sir.

Mr. Chaman Lal: Is it not up to the Honourable Member to answer questions put to him in this House?

Mr. Devaki Prasad Sinha: Have Government made any inquiries with reference to the statements contained in the question?

The Honourable Sir Bhupendra Nath Mitra: Certain Honourable Members are making certain allegations. The normal appeal rules are open to the person who is said to be aggrieved. Until he makes the appeal I can definitely tell my Honourable friends opposite that I am not going to take any action in the matter.

Mr. Devaki Prasad Sinha: Is it the decided policy of the Government not to make any inquiry on the basis of allegations contained in questions put in this House?

The Honourable Sir Bhupendra Nath Mitra: I was not asked to make any inquiries. This relates to a certain aggrieved official of Government and I cannot possibly go against the appeal rules as laid down by Government.

Mr. Devaki Prasad Sinha: Is there anything to prevent Government from making an inquiry into the circumstances set forth in this question?

The Honourable Sir Bhupendra Nath Mitra: There is nothing to prevent the Government, if Government come to the conclusion that such an investigation is required.

Mr. Devaki Prasad Sinha: What is the reason for the Government in this case deciding not to make any inquiry with reference to the charges referred to in this question?

The Honourable Sir Bhupendra Nath Mitra: The reply to this is contained in my original answer to the question.

Mr. Chaman Lal: May I know if the Honourable Member is aware that the allegations contained in this question are correct?

The Honourable Sir Bhupendra Nath Mitra: I have no information on the subject. I have said that the person who considers himself to be aggrieved has the right to send an appeal to Government and, when that appeal is received, I shall be perfectly willing to go into the allegations, but not until that stage is reached.

GRANT OF COMPENSATION TO THE DEPENDENTS OF MURDERED POSTAL RUNNERS.

307. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to my starred question No. 508 asked in the meeting of the Legislative Assembly held on 2nd September, 1925, regarding compensation to the dependants of murdered postal runners, will Government please state if they have received the papers from the Accountant-General, Posts and Telegraphs?

(b) If so, have they arrived at a decision in the case referred to?

(c) If they have, will they please communicate their decision to the House?

Mr. G. P. Roy: (a), (b) and (c). A pension of Rs. 6 a month was granted to the widow of the deceased runner with effect from the 24th September, 1924.

REFUSAL TO COUNT TEMPORARY SERVICE RENDERED BY ABDUL KADIR, SORTER, AMBALA RAILWAY MAIL SERVICE, TOWARDS HIS PAY IN THE TIME-SCALE.

308. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 523 asked in the meeting of the Legislative Assembly held on 2nd September, 1925, will Government please state whether they have considered the matter?

(b) If so, will they please communicate their decision to the House?

Mr. G. P. Roy: The matter was referred to the audit authorities, and a report from them is awaited.

DELAY IN THE PAYMENT OF A VALUE PAYABLE MONEY ORDER.

309. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 559 asked in the meeting of the Legislative Assembly held on 2nd September, 1925, regarding the delay in the payment of a value payable money order, will Government please state if the investigation has been completed?

(b) If so, will they please communicate the result to the House?

Mr. G. P. Roy: (a) Yes.

(b) The incorrect preparation of the value payable money order was due to the short realisation of the amount recoverable from the addressee of the value payable article by Rs. 10-2-0. The clerk of the Khagaul Post Office responsible for the mistake has been charged with this and other irregularities committed by him, and he will be dealt with suitably on receipt of his explanation.

INDIAN PILGRIMS TO THE HEDJAZ.

310. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to my last supplementary question to my starred question No. 330 (b) and (c) asked in the meeting of the Legislative Assembly held on 1st September, 1925, regarding Indian pilgrims to the Hedjaz, will Government please state if they have received the reports?

(b) If they have, will they please communicate the result to the House?

Mr. J. W. Bhore: The report of the Indian Pilgrimage officer, which has been received, shows that the pilgrimage, which was of course exceptionally small in volume, was performed quite smoothly.

RELEASE OF BENGAL INTERNEES.

311. ***Mr. Chaman Lall:** (a) Will Government inform the House whether they have now any intension of releasing the gentlemen arrested under the Bengal Ordinance?

(b) If not, will Government be pleased to place a statement before the House giving the name, occupation, present place of detention, present state of health and the reasons for detention of each one of the internees?

Mr. H. Tonkinson: (a) I invite the Honourable Member's attention to the reply given to question No. 89 on the 26th August, 1925.

(b) The Bengal Ordinance has been replaced by the Bengal Criminal Law Amendment Act, 1925. That Act is administered by the Government of Bengal. The Government of India are consequently not in possession of the information asked for.

Mr. Chaman Lall: May I ask whether the Honourable Member would not consider it a matter of ordinary courtesy to inform the Honourable Member, who is asking the question, what the reply to the question previously asked was?

Mr. H. Tonkinson: No.

Mr. Chaman Lall: Will the Honourable Member consider it a matter within his jurisdiction to answer the question, considering that it is a matter of law and order?

Mr. H. Tonkinson: No.

Mr. Chaman Lall: Has the Honourable Member no other reply to give but the monosyllable "No"?

Mr. K. Ahmed: In view of the fact that the Government gave a certain answer in August last, and that five or six months have now elapsed, is there any change of attitude on the part of the Government to be expected in the matter at present? The Government might as well answer that the world is progressing, Sir?

Mr. Ohaman Lall: May I ask the Honourable Member, Sir, whether he will not consider it incumbent upon him to answer this question, considering that it has been admitted.

Mr. H. Tonkinson: Sir, I have already answered the question.

Mr. Ohaman Lall: May I ask the Honourable Member, Sir, whether he is prepared to give this House the information asked for in part (b) of this question?

Mr. H. Tonkinson: I have already informed the Honourable Member, Sir, that the Government of India are not in possession of the information asked for.

Mr. O. S. Ranga Iyer: Will the Government of India try to get the information asked for?

Mr. H. Tonkinson: No.

Mr. O. S. Ranga Iyer: Why should they not try?

Mr. H. Tonkinson: It is a matter of opinion.

Mr. Ohaman Lall: May I ask whether the Honourable Member will not reconsider his decision to give this House the information? It is a matter of grave public interest?

Mr. H. Tonkinson: The answer is in the negative.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether, as a matter of fact there are any reasons why the Government do not want to send for the information asked for?

Mr. H. Tonkinson: No. The matter is primarily the concern of the Government of Bengal, and in these circumstances the Government of India do not propose to give any information which they have not got.

Sir Hari Singh Gour: Is it not a fact that the Government of Bengal is subject to the direction, supervision and control of the Government of India and is it not a fact that, if there is lawlessness in Bengal, the Government of India may be requisitioned for military aid? Is it not further a fact that it is the duty of the Government of India to see that they are primarily concerned with the maintenance of law and order throughout British India irrespective of the jurisdiction of the Local Governments?

Mr. H. Tonkinson: If the Honourable Member will divide his question into parts, Sir, I shall be prepared to answer. The answer is different to different parts.

Sir Hari Singh Gour: I did not realise, Sir, that the Honourable Member was suffering from such a short memory. I will sub-divide my questions. First, is it not a fact that under the Government of India Act, the Governor General in Council possesses the power of direction, supervision and control over all Local Governments including the Government of Bengal?

Mr. H. Tonkinson: In certain respects, Sir.

Sir Hari Singh Gour: In what respects, Sir?

Mr. H. Tonkinson: I should have thought that the answer was obvious to the Honourable Member. The answer is in the case of reserved subjects.

Sir Hari Singh Gopar: Is not the maintenance of law and order and the apprehension of people without any judicial form a matter within the cognisance of the Government of India calling for the exercise of their power of direction, supervision and control?

Mr. H. Tonkinson: That, Sir, is a matter of opinion.

Mr. Ohaman Lal: May we take it, Sir, that the Honourable Member is ashamed to give this answer to this House?

Mr. President: Order, order.

Mr. K. Ahmed: Is it not a fact, Sir, that last year, in 1924, I moved a Resolution, which was passed unanimously, to the effect that the Government must answer questions put in this House, though they are important provincial questions, when questions of this character are answered in the House of Commons in England across the sea?

Mr. President: It is high time that the Chair should intervene now. There is a strong feeling in the House that the information asked for should be supplied by Government and they would be well advised if they consider the desirability of supplying that information. (Applause.)

THE SOUTH AFRICAN CLASS AREAS BILL.

312. ***Mr. O. Dursaiswami Aiyangar:** (a) Has the attention of the Government been drawn to an article in *Young India*, dated 24th December, 1925, by Mahatma Gandhi under the caption "The South African Puzzle"?

(b) Is it a fact that the Class Areas Bill now on the Legislative anvil in South Africa is opposed to the Gandhi-Smuts agreement of 1914?

(c) Is it a fact that the South African Government treats the Gandhi-Smuts agreement as a mere scrap of paper not entitled to observance?

(d) Will the Government be pleased to state what steps the Government of India intend taking to safeguard the rights and privileges of the Indian settlers in South Africa?

(e) In the event of the South African Union passing the Bill into law, do the Government of India propose to take any retaliatory measures and, if so, what are they?

Mr. J. W. Shore: (a) Yes.

(b) and (c). It will be seen from Sir Benjamin Robertson's statement before the Asiatic Inquiry Commission, which is available in the Library of the House, that the Government of India interpreted the Gandhi-Smuts agreement as implying that no new law would be passed imposing fresh restrictions on Indians. This interpretation was not accepted by the Asiatic Inquiry Commission, whose report is also in the Library of the House. The view held by the Commission was that from Mr. Gandhi's own definition of "vested rights", as given in his letter of the 7th July, 1914, it would appear that no more was intended than that the vested rights of those Indians who were then living and trading in townships, whether in contravention of law or not, should be respected. It is understood

that the present Union Government claim that the Gandhi-Smuts agreement, as interpreted by the Asiatic Inquiry Commission, has been fulfilled in the spirit as well as the letter inasmuch as the vested rights of Indians have been safeguarded in all laws which have been enacted by that Government in the past and also in the provisions of the Areas Reservation and Immigration and Registration (Further Provision) Bill which has been recently introduced.

(d) The attention of the Honourable Member is invited to the statement on the subject made in the speech of His Excellency the Viceroy at the opening of the present Session of the Legislative Assembly on the 20th January.

(e) Government are not prepared now to make any statement regarding the action which they may deem it advisable to take in the event of the Asiatic Bill becoming law.

Mr. Devaki Prasad Sinha: Finding that there was a difference in the interpretation of the Gandhi-Smuts agreement between the Government of India and the Government of South Africa, did the Government of India take any step to convince the South African Government that their interpretation was right, or to understand in what way the South African Government interpreted the Gandhi-Smuts agreement as they did?

Mr. J. W. Bhore: I would suggest to the Honourable Member that, as this is a subject which needs some consideration, and as we are likely to have a debate shortly on it, he should leave it over till the debate

THE PATTUKOTTAI TRAIN TRAGEDY.

313. ***Mr. C. Duraiswami Aiyangar:** (a) Has the attention of the Government been drawn to the discussion in the Madras Legislative Council regarding the Pattukottai train tragedy?

(b) Do the Government intend to appoint a committee of non-official gentlemen to inquire into and report regarding the causes of that tragedy?

(c) Will the Government be pleased to state the number of casualties and the value of property lost?

(d) Will the Government be pleased to state if any claims for compensation have been made by the heirs of the killed or by the wounded passengers against the railway company?

The Honourable Sir Charles Innes: (a) No.

(b) In view of the fact that the cause of the accident was fully inquired into by a committee of railway officers in the presence of the Senior Government Inspector of Railways, Madras, and the Sub-Divisional Magistrate, Pattukottai, and that the Collector and District Magistrate, Tanjore, also held a magisterial inquiry, Government do not propose to appoint the committee suggested.

(c) 9 passengers were killed and 20 injured. Government have no information regarding the value of the property lost.

(d) Government have no information.

Mr. A. Rangaswami Iyengar: May I know whether Government have received any report from the Senior Government Inspector of Railways, Madras, as to the state of construction of this line; whether the line has been properly constructed with the necessary culverts, and whether there has been neglect?

The Honourable Sir Charles Innes: I think the Honourable Member has put a question on that very subject, and I will reply to it in due course.

Mr. B. Das: May I inquire whether the railway companies ever pay damages for lives lost?

The Honourable Sir Charles Innes: Very much so, as the Honourable Member will see from the Supplementary Demands.

VOTERS FOR LEGISLATIVE BODIES IN INDIA.

314. ***Dr. S. K. Datta:** 1. Will Government lay on the table a statement showing, according to districts in India, the total number of voters for:

- (a) The Council of State;
- (b) The Legislative Assembly; and
- (c) The Provincial Legislative Councils?

2. Of these numbers under each head how many are:

- (a) Hindus;
- (b) Muhammadans;
- (c) Indian Christians;
- (d) Europeans; and
- (e) Anglo-Indians?

Mr. H. Tonkinson: Government are unable to furnish the information asked for by the Honourable Member. In this connection he is referred to the Return showing the results of election in India, 1923 (Command Paper No. 2154), a copy of which is in the Library of this House.

Mr. K. Ahmed: Are Government aware that the European community has an unusually large number of seats allotted to it in Bengal in comparison with Muhammadans and Hindus, and that this is a hopeless shame?

Dr. K. G. Lohokare: Will it be possible for Government to arrange to supply this information at the next election?

Mr. H. Tonkinson: If the Honourable Member will refer to the Return showing the results of election in 1923, he will see that it is exceedingly detailed. I do not see that any purpose will be served by adding to these details.

OPIMUM INQUIRY COMMITTEE.

315. ***Dr. S. K. Datta:** Will Government state what steps have been taken to appoint a Committee of Inquiry into the production, manufacture and sale of opium in British India?

The Honourable Sir Basil Blackett: The replies of Local Governments to the reference from the Government of India regarding consumption of opium in India have been received and are now under careful examination. I am not in a position to make any further statement at present.

SMUGGLING OF CHINESE OPIUM INTO BRITISH INDIA.

316. ***Dr. S. K. Datta:** (1) Will Government state whether during the years 1924 and 1925 attempts were made to smuggle Chinese opium by sea into British India? If so, at what ports were seizures made, and what was the number and quantity of such seizures?

(2) During 1924 and 1925 was smuggling of Indian opium into Burma detected? If so, what was the number and quantity of such seizures in each year?

(3) Has smuggling by land of Chinese opium into Burma increased? If so, what was the number and quantity of seizures by the Excise authorities during the years 1924 and 1925?

The Honourable Sir Basil Blackett: (1) Yes. Seizures were effected at the ports of Calcutta and Rangoon. The number was 1 and 5 during 1924 and 1925, and the quantity seized amounted to 10,920 in 1924 and 9,586 tolas in 1925. These figures refer only to opium definitely known to have been of Chinese origin and are not necessarily complete.

(2) The Customs Department effected 60 seizures amounting to 1,333½ lbs. in 1923-24 and 50 seizures amounting to 996 lbs. in 1924-25. The seizures made by the Excise Department during these two years amounted to 268,410 and 274,872 tolas respectively. It is not known definitely how much of this captured opium was of Indian origin, but it is stated in the Burma Excise Report for 1924-25 that Indian opium seized in Rangoon amounted to 110,948 tolas. The Preventive Department at Calcutta also made 18 seizures of opium weighing 8½ maunds in 1923-24 and 9 seizures weighing 2½ maunds in 1924-25, attempted to be smuggled out of that port, and it is believed that a part of this opium was meant for surreptitious entry into Burma.

(3) The Government of India have no definite information in regard to the first part of this question. As regards the second part, all the information available is given in my reply to (2) above.

Dr. S. K. Datta: Will the Honourable Member inform the House whether the smuggling of Chinese opium has led to any reduction in the smuggling of Indian opium.

The Honourable Sir Basil Blackett: If the Honourable Member will read the figures, he will see that I have given him all the information I possess.

SALES OF OPIUM BY AUCTION IN 1924 AND 1925.

317. ***Dr. S. K. Datta:** (a) Will Government lay on the table of the House a statement showing for the period covering the years of 1922, 1923, 1924 and 1925 and for each month in each year, the number of chests of opium offered for sale by auction and the number actually purchased?

(b) Will Government state what firms and individuals purchased opium during the auction sales in 1924 and 1925?

The Honourable Sir Basil Blackett: (a) and (b). A statement giving the requisite information is laid on the table.

(a) Statement showing auction sales of opium during the years 1922-25 and the names of firms and individuals who purchased opium during auction sales in 1924 and 1925.

	NUMBER OF CHESTS PUT TO AUCTION.												NUMBER OF CHESTS ACTUALLY SOLD.													
	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.
1922	100	100	250	300	300	300	300	300	200	200	200	240	2,790	100	10	250	300	300	300	300	175	200	125	200	240	2,500
1923	250	250	250	250	300	250	250	250	250	250	250	350	3,150	250	250	250	250	300	250	250	250	200	200	350	3,000	
1924	350	250	250	250	250	350	250	250	250	250	250	250	3,000	200	250	350	250	250	250	250	250	250	15	10	15	2,240
1925	250	250	250	250	250	250	250	250	250	250	250	250	3,000	70	271	250	250	250	250	250	150	5	5	10	55	1,555

(b) Messrs. Sailal Chamria, M. A. Sassoon and Sons, Ltd., M. K. Shivazi & Co., Durga Dutt Jalan, Rampratab, Srilal Chamria, Hurdotroy Chamria & Sons, E. D. Sassoon & Co., Rampratab Nemanee, Madan Lal Sheiksharia, Ganeshdas Jamnadhari, Hanumanbux Nemanee, Goolab Rai Sarwaji, Lakshmi Chand Modi, Moti Lal Dhandhaini and B. A. Basil.

REDUCTION OF COAL FREIGHTS.

318. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 359 asked in the meeting of the Legislative Assembly held on 1st September, 1925, regarding the reduction of coal freights, will Government please state if they have received the report of the President?

(b) If so, will they please lay a copy of it on the table?

The Honourable Sir Charles Innes: (a) and (b). I am not prepared to lay a copy of the correspondence on the table. It was purely demi-official. As regards the point of substance raised by the Honourable Member, namely, the reduction of coal freights, I am not prepared to make any statement at this stage.

ANNUAL CLASSIFICATION OF THE PIECE-WORK ESTABLISHMENT OF THE GOVERNMENT OF INDIA PRINTING, CALCUTTA.

319. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to my starred question No. 402 (c) asked in the meeting of the Legislative Assembly held on 1st September, 1925, regarding the annual classification of the piece-work establishment of the Government of India Printing, Calcutta, will Government please state if they have received the proposals from the Controller of Printing, Stationery and Stamps?

(b) If so, will they please lay a copy of it on the table?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) Does not arise.

INDIAN FOREST SERVICE EDUCATIONAL STAFF AT THE FOREST RESEARCH INSTITUTE AND COLLEGE, DEHRA DUN.

320. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to supplementary question to my starred question No. 264 (a) asked in the meeting of the Legislative Assembly held on 31st August, 1925, regarding the Indian Forest Service educational staff at the Forest Research Institute and College, Dehra Dun, will Government please state if they have considered the question?

(b) If so, will they please communicate their decision to the House?

Mr. J. W. Bhore: The question is still under consideration and a definite decision will be arrived at as soon as the proposals for the future training of probationers for the Indian Forest Service at Dehra Dun have been approved.

PRINTING OF STAMPS IN INDIA.

321. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 240, asked in the meeting of the Legislative Assembly held on 31st August, 1925, regarding printing of stamps in India, will Government please state if the printing that was expected to commence in November, 1925, has actually commenced?

(b) If the answer to (a) is in the negative, will Government please state the reason for the delay?

The Honourable Sir Basil Blackett: (a) Yes.

(b) Does not arise.

PROVINCIAL AGRICULTURAL COLLEGES.

322. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if all the provinces of British India have got provincial agricultural colleges?

(b) If not, will they please state the provinces which have got them, and the provinces which have not?

Mr. J. W. Bhore: (a) and (b). There are agricultural colleges in Bombay, Madras, the Punjab, United Provinces, Central Provinces, and Burma, but not in Assam, Bengal and Bihar and Orissa. The Imperial Agricultural Research Institute at Pusa is however situated in the last named province.

Mr. K. Ahmed: Are Government aware that while in Bengal 95 per cent. of the population are agriculturists, there is not a single agricultural college there, which entails great suffering on the people. Do Government propose to establish an agricultural college in Bengal?

Mr. J. W. Bhore: The Honourable Member must realise that agriculture is a transferred subject, and that any representations in regard to this matter should be made to the Local Government.

Mr. K. Ahmed: Would it not then be better in the interests of the tax-payers of this country that the Department to which the Honourable Member belongs should be abolished?

The Honourable Sir Basil Blackett: I cannot think that it is for the benefit of the tax-payers of this country that these long supplementary questions should be printed.

REPORT OF THE INDIAN ECONOMIC INQUIRY COMMITTEE,

1923*.

SHIFTING OF THE RAILWAY STATION AT RAMESWARAM TO SOME OTHER SITE.

324. ***Mr. M. K. Acharya:** Will the Government be pleased to state:—

- (a) whether there is any proposal to shift the present railway station at Rameswaram;
- (b) for what reasons the change is being proposed;
- (c) whether any representation has been made by the residents of Rameswaram suggesting any alternative proposals; and
- (d) before sanctioning the proposed change, whether Government will afford sufficient opportunity to those who may be affected by the change to make their representations duly to the Railway concerned and to Government?

*Answered on 21st January, 1926, along with question No. 4.

Mr. G. G. Sim: (a) About 9 miles of the main line of the South Indian Railway between Pamban and Dhanskodi is being realigned and this involves the shifting of Rameswaram Station about $2\frac{1}{2}$ miles from the town.

(b) Ever since it was constructed this portion of the line has been seriously menaced by sand dunes that have been advancing on the line in a north easterly direction. Continuous removal of sand at great expense has been necessary, and at intervals when the encroachment has been rapid the line had to be diverted ahead of the advancing dunes. By 1924 the line had been shifted to the last place it could occupy in this direction. The position was then serious if communication was to be maintained at all, and in the interests of economy and safety of working it was necessary that the line should be diverted at an early date behind the dunes.

(c) The Government have no information.

(d) After a thorough investigation the Railway Board agreed with the Railway Administration that the only feasible way of dealing with the difficulty short of abandoning the route to Dhanaskodi was the diversion of the line behind the sand dunes, and this proposal was sanctioned in March 1924.

POLITICAL DÉTÉNUS IN BENGAL.

325. ***Mr. M. K. Acharya:** Will the Government be pleased to furnish:

- (a) a list of the Bengal political détenus;
- (b) the status of each before arrest;
- (c) the nature of the restraint now placed on them;
- (d) the period for which each has now been under restraint;
- (e) the places of custody where each is now kept;
- (f) the differentiation, if any, between them and ordinary criminals;
- (g) the offence of which each is suspected; and,
- (h) whether there is any likelihood of any of them being placed upon open trial in the near future?

Mr. H. Tomkinson: (a) and (d). I lay on the table a list containing the names of persons detained under Regulation III of 1818 and the dates on which their detention began.

The Bengal Criminal Law Amendment Act, 1925, is administered by the Government of Bengal and any question regarding persons detained under its provisions should be addressed to that Government.

(b) I am not in possession of information in regard to the status of all these persons.

(c), (e) and (f). The persons I have mentioned are all detained in jails, the names of which I am not prepared to give, but they are subject to an entirely different code of rules from persons convicted under the ordinary criminal law and enjoy special concessions in the matter of food, clothing, interviews, letters, literature, recreation, etc.

(g) I am not prepared to give any information other than that which has already been given in the course of debate or otherwise, in regard to the grounds on which action was taken against them.

(h) I would refer the Honourable Member to the answer given to question No. 296 on 26th August, 1925, which applies equally to the cases of persons detained under Regulation III of 1818.

List of Bengal Revolutionaries detained under Regulation III of 1818.

Serial No.	Name.	Date of detention.
1	Man Mohan Bhattacharji	25th September, 1923.
2	Satish Chandra Bhattacharji	Ditto.
3	Jadu Gopal Mukharji	Ditto.
4	Bhupendra Kumar Dutt	Ditto.
5	Jyotish Chandra Ghosh	Ditto.
6	Manoranjan Das Gupta	Ditto.
7	Bhupati Mazumdar	Ditto.
8	Amrita Lal Sarkar	Ditto.
9	Rabindra Nath Sen Gupta	Ditto.
10	Kali Prasad Banerji	27th September, 1923.
11	Jiban Lal Chatterji	4th October, 1923.
12	Satish Chakravarti	23rd January, 1924.
13	Arun Chandra Guha	25th January, 1924.
14	Kiran Chandra Mukharji	Ditto.
15	Purna Chandra Das	8th March, 1924.
16	Bepin Behari Ganguli	9th March, 1924.
17	Pratul Ganguly	22nd August, 1924.

Sir Hari Singh Gour: May I inquire whether the detention is limited as to time, or whether the prisoners are detained at the pleasure of the Government?

Mr. H. Tonkinson: I am afraid I must ask for notice of that question.

Mr. O. S. Ranga Iyer: May I ask the Honourable Member to get the information sought for in (b) of question No. 325? May I ask him to secure the information which he failed to give to this House?

Mr. H. Tonkinson: I will consider that point.

Mr. K. Ahmed: Is it not a fact that a supplementary question is a question which elicits further facts regarding the matter in issue, and, in view of that, is not Sir Hari Singh Gour entitled to get his answer from the Honourable the Joint Secretary of the Home Department as to the time within which the Government propose to release these people, or the time for which they wish to keep them in custody at the cost of the State and the population of India?

Mr. Devaki Prasad Sinha: Sir, are Government aware that yesterday the Honourable the Home Member, speaking on a Resolution which was discussed in this House, said that the case of each political déteñu had been placed before him and examined by him.

Mr. H. Tonkinson: I am afraid I do not recollect the statement; you had better ask the Honourable Member.

Mr. A. Rangaswami Iyengar: Are we to wait to put questions after the Home Member arrives here? I want to know, after what the Home Member said yesterday, whether it is not the duty of the Government of India to obtain information in regard to each of these déteñus?

Mr. R. K. Shanmūkham Ohetty: Is the Honourable Member aware of the fact that the Home Member told the House yesterday that he took on his shoulders the fullest responsibility for the promulgation of the Ordinance and the detention of these prisoners, and did not want to take shelter behind the Local Government?

Mr. H. Tonkinson: I believe that is a fact.

Mr. R. K. Shanmukham Ohetty: Then does not the Honourable Member realise that it is the duty of the Government of India to get the information asked for about these political déteñus?

Mr. H. Tonkinson: So far as the Bengal Criminal Law Amendment Act is concerned, the answer is in the negative.

Mr. C. S. Ranga Iyer: Are the Government further aware that the Home Member said yesterday that all the prisoners were treated according to their status while the Honourable Member says he is not in possession of information in regard to their treatment?

The Honourable Sir Charles Innes: May I point out, Sir, that you have already intervened in this matter. The Honourable the Leader of the House will no doubt consider what you have said, and I suggest the matter may be left at that.

APPOINTMENT HELD BY KHAN BAHADUR MUNSOOR ALI KHAN ON THE EAST INDIAN RAILWAY.

326. ***Mr. M. K. Acharya:** Will the Government be pleased to state:

- (a) what place Khan Bahadur Munsoor Ali Khan who was District Traffic Superintendent, Claims, of the old Oudh and Rohilkhand Railway now holds on the East Indian Railway;
- (b) what amount has been paid through him on claims during 1924-25;
- (c) what amount was paid on other sections of the East Indian Railway as compensation for goods lost during 1924-25; and
- (d) what machinery the Railway Administration have got in order to check the validity of the claims recommended by the Claims Department?

Mr. G. G. Sim: (a) Khan Bahadur Munsoor Ali Khan holds the post of Assistant Superintendent, Commercial, on the East Indian Railway

(b) and (c). The information is not available. The amounts of claims paid by the Oudh and Rohilkhand and East Indian Railways during 1924-25 will be found at page 27 of Volume I of the Report by the Railway Board on Indian Railways for that year.

(d) The Claims Department, with its complement of supervising staff, investigates and settles claims. No other machinery is considered necessary.

Mr. M. K. Acharya: Is the Honourable Member able to supply me with the information asked for in (c)?

Mr. G. G. Sim: Yes, Sir, I told the Honourable Member that all the details available would be found in Volume I of the Report of the Railway Board for that year, a copy of which is in the Library.

USE OF THIRD CLASS HALF TICKETS AS FULL TICKETS ON THE SOUTH INDIAN RAILWAY.

327. ***Mr. M. K. Acharya:** Will the Government be pleased to state:

- (a) what the ordinary size of third class tickets is on Indian Railways;
- (b) whether on the South Indian Railway, each half ticket is being used as a full ticket;
- (c) whether the same practice is followed on any other Railway; and
- (d) what special reasons exist on the South Indian Railway for this special procedure?

Mr. G. G. Sim: (a) to (d). The matter is under inquiry and a reply will be sent to the Honourable Member in due course.

PAY OF THE CUSTOMS MINISTERIAL ESTABLISHMENT IN MADRAS.

328. ***Mr. M. K. Acharya:** Will the Government be pleased to state:

- (a) whether there are any differences in the salaries paid to the ministerial establishments in the various customs ports in British India, and whether there are corresponding differences in the duties performed by the employees concerned?
- (b) what the minimum and maximum salaries are of the Upper and Lower Division clerks employed in the Customs offices at Calcutta, Bombay, Rangoon and Madras;
- (c) whether any representation has been received from the establishment at Madras for equality of treatment with the employees in sister ports; and
- (d) what the minimum and maximum salaries are of the clerks in the Accountant General's office at Madras, and whether Government propose to sanction to the Customs establishment at Madras, salaries not less than those of the clerks in the Accountant General's office?

The Honourable Sir Basil Blackett: As the answer is a somewhat long one, I will ask the Honourable Member to let me lay it on the table.

- (a) The answer to the first part is in the affirmative and that to the second part, broadly speaking, is in the negative, although

in the case of supervising grades there are differences in the amount of responsibility. There are of course considerable differences in the cost of living.

(b) The figures are given below :

	Upper Division.	Lower Division.
Calcutta	80—200	45—120
Bombay	110—230	60—180
Rangoon	150—250	60—150

In Madras the clerical staff is organised in three grades: the rates of pay are 40—65, 65—85, and 85—125.

(c) Yes.

(d) The salaries of clerks in the Civil Accountant General's office at Madras range from 40 to 175. The answer to the second part of the question is in the negative.

NUMBER OF TELEGRAPHISTS IN THE TELEGRAPH DEPARTMENT.

329. ***Mr. M. K. Acharya:** Will the Government be pleased to state :

(a) the exact number of telegraphists now employed in the Telegraph Department under each of the following heads, and the number of Indians and non-Indians, and rates of pay including allowance, if any, in each case :

- (i) General;
- (ii) Local Service; and
- (iii) Station Service?

(b) the prospective appointments in the Department (Traffic, Engineering, Telephones and Wireless, all inclusive) which a Telegraphist can aspire to, showing in each case the number of Indians and non-Indians employed in these appointments at present; and

(c) whether these appointments are open only to General Service telegraphists or, if not, how many of these appointments are held by Local or Station Service men at present?

The Honourable Sir Bhupendra Nath Mitra: (a) The number of telegraphists on the 1st December, 1925, was as follows :

General Service	{	Anglo-Indians	1,875
		Other Indians	687
Local Service	{	Anglo-Indians	32
		Other Indians	90
Station Service	{	Anglo-Indians	71
		Other Indians	468

The rates of pay for telegraphists of the various services are :

	Ra.
General Service	80—5—100—10—250
Local Service	55—5—120—10—180
Station Service	{ (a) 70—5—160
	{ (b) 60—5—150

Allowances in many cases are local and in others are paid according to the outturn of work or for extra hours employed on duty outside the normal hours of work. It is not, therefore, possible to specify the rates of allowances.

(b) The prospective appointments in the Department are at present :

Traffic Branch.

- (i) 353 in the grade of Telegraph Masters, of which 204 are held by Anglo-Indians and 149 by other Indians.
- (ii) 54 in the grades of Deputy Superintendents, Traffic, of which 43 are held by Anglo-Indians and 11 by other Indians.
- (iii) 49 in the Superior Traffic Branch, of which 42 are held by Anglo-Indians and 7 by other Indians.
- (iv) One appointment of Deputy Director-General, Telegraph Traffic, held by an officer of the old Superior Establishment of the Telegraph Department.

Wireless Branch.

- (i) 29 Deputy Assistant Engineers, of whom 28 are Anglo-Indians and one other Indian.
- (ii) Assistant Engineers, Wireless, of whom two are Anglo-Indians and other Indians nil.

Engineering Branch (including Telephones).

(i) Supervisors	{ Anglo-Indians 158
	{ Other Indians 60
(ii) Deputy Assistant Engineers	{ Anglo-Indians 84
	{ Other Indians 8
(iii) Assistant Engineers	{ Anglo-Indians 19
	{ Other Indians 2
(iv) Assistant Divisional Engineers	{ Anglo-Indians 6
	{ Other Indians 1

(c) The higher appointments in the Traffic and Engineering Branches are open to all classes of telegraphists, General, Local or Station. On transfer to the Engineering Branch telegraphists are placed on General Service conditions; in the Traffic Branch, the classification into General, Local and Station Service cadre continues to the grade of Telegraph Masters only and ceases in the higher grades when men become liable for transfer to all parts of India and Burma. Only General Service telegraphists are eligible

for appointment to the Wireless Branch. 28 appointments in the grade of Telegraph Masters are held by Local Service and one by a Station Service man. No information is readily available showing the particular service to which each telegraphist belonged before his transfer to the Engineering Service.

DIRECT RECRUITMENT OF NON-INDIANS TO THE GENERAL SERVICE IN THE TELEGRAPH DEPARTMENT.

380. ***Mr. M. K. Acharya:** (a) Will the Government be pleased to state how many Local Service telegraphists were transferred to the General Service on the abolition of the former service and how many of them were Indians?

(b) What was the proportion of Indians to non-Indians in the General Service before the Local Service telegraphists were transferred to General Service and what is the proportion at present?

(c) Have the Government issued any instructions for selection of General Service probationers from amongst non-Indians only? If not, how many Indians and non-Indians have up to date been recruited direct to that Service?

(d) What are the reasons for giving preference to non-Indians for direct recruitment to the General Service?

The Honourable Sir Bhupendra Nath Mitra: (a) 778 telegraphists have been transferred from the Local to the General Service since the decision was reached to abolish the former. All of these were statutory Indians, but 671 were Indians as distinct from Anglo-Indians.

(b) The whole of both Services is manned by statutory Indians; the number of Indians and Anglo-Indians in the General Service before the Local Service telegraphists were transferred to the General Service was 187, and 1,978 respectively and is now 675 and 1,845 respectively.

(c) No. It would be impossible, without an expenditure of time and labour which the Government of India consider unnecessary, to ascertain the total number of Indians and Anglo-Indians who have up to date been recruited direct to the General Service.

(d) This will be covered by my reply to the Honourable Member's next question.

RECRUITMENTS TO THE GENERAL SERVICE AND THE STATION SERVICE IN THE TELEGRAPH DEPARTMENT.

381. ***Mr. M. K. Acharya:** (a) Is it a fact that the Government or the Departmental authorities have entered into contracts with certain Anglo-Indian Schools and Homes; and with certain Indian Colleges by which the former supply Anglo-Indians exclusively for the General Service and the latter Indians exclusively for the Station Service? If so, what were the reasons for making such a distinction between Indians and Anglo-Indians and who is responsible for making this distinction?

(b) Is it a fact that on the abolition of the Local Service, the Local Service probationers, mostly Indians, who were then in the Training Classes were told either to accept Station Service or to resign?

(c) Why were the Local Service probationers not given the option of selecting for the General Service when outside recruits to that Service were being taken from Anglo-Indian Schools and Homes?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. Under the system formerly in force, the ordinary channel of recruitment of Indians as distinct from Anglo-Indians to the General Service was by promotion from the Local Service. But it will be understood that since the decision to abolish the Local Service was taken a largely increased number of Indians had been transferred to the General Service, the number of appointments of Indians to that Service during the last five years having been 686 as against 408 Anglo-Indians.

(b) Yes.

(c) It would have been an unnecessary expense to have transferred probationers who were recruited specifically for a cheaper Local Service to the more expensive General Service.

GRIEVANCES OF INDIANS IN THE TELEGRAPH DEPARTMENT.

332. ***Mr. M. K. Acharya:** (a) Will Government be pleased to state whether the All-India Telegraph Union have submitted a statement of several grievances affecting mostly Indians?

(b) If so, are the Government prepared to get those grievances examined by an impartial committee of inquiry with a view to ascertaining their legitimacy?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The Government of India will examine them, but they do not at present consider the appointment of a committee of inquiry to be necessary.

Mr. Chaman Lall: Will the Government also take into consideration the grievances of the telegraph peons?

The Honourable Sir Bhupendra Nath Mitra: That question, Sir, does not arise out of this question.

Mr. Chaman Lall: Is it not a fact that there are several peons who are members of the telegraph service?

The Honourable Sir Bhupendra Nath Mitra: But those are not the grievances to which Mr. Acharya refers. I dare say he will confirm me on that point.

RECRUITMENT OF TELEGRAPHISTS.

333. ***Mr. M. K. Acharya:** (a) Will the Government be pleased to state whether the Telegraph Department is overstuffed with telegraphists and if so, why recruitment of telegraphists is still being continued?

(b) Is it a fact that the Departmental Retrenchment Committee's recommendations affect only the prospects of the subordinate staff and that the avenues of economy with regard to the superior establishment have not at all been explored?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. Recruitment is only being continued in so far as this is necessary to carry out the agreement with certain schools which was referred to in the Honourable Member's question No. 331, which I have just answered.

(b) No.

Mr. B. Das: May I know whether Government have given effect to the recommendations of the Ryan Committee regarding retrenchments in the Posts and Telegraph Department?

The Honourable Sir Bhupendra Nath Mitra: That question will come later. If the Honourable Member had studied the list of questions he would have seen that that question appears later on, and I hope he will agree to my giving an answer to it in due course.

LEAVE OF THE VACATION DEPARTMENTS IN THE MADRAS PRESIDENCY.

384. ***Mr. B. Venkatapatiraju:** (a) Will the Government be pleased to state whether the Government of India are aware that the vacation departments of the Madras Presidency are being given no leave on full average pay at all, corresponding to the privilege leave or 'furlough' on half pay under the old Civil Service Regulations which the Fundamental Rules have in effect converted for all departments alike into 'leave on full average pay' for half the period, though other provinces like Bengal and Bihar, as I am informed, are allowing leave on full average pay to the vacation departments otherwise than on medical certificate, or for trips beyond British India?

(b) If so, will the Government of India be pleased to state whether they have directed or propose to direct removal of the anomaly and injustice by allowing leave on full average pay for half the period to the vacation departments of the Madras Presidency who are now totally denied the benefit of the Fundamental Rules with regard to full average pay?

The Honourable Sir Basil Blackett: The position is being examined.

INQUIRY INTO THE WASTAGE OF LIFE AND THE ECONOMIC DEPRESSION IN INDIA FROM PREVENTIBLE DISEASES.

385. ***Mr. B. Venkatapatiraju:** (a) Has the attention of the Government been drawn to the important resolution moved by Lt.-Col. J. W. D. Megaw, I.M.S., Director of the Calcutta School of Tropical Medicine that a strong commission chiefly of a non-technical character on the lines of the original Public Health Commission in England in the 19th century, should make a thorough inquiry into the wastage of life and the economic depression in India resulting from diseases capable of being prevented?

(b) Will the Government be pleased to state whether the Government propose to take any action in the matter in the direction indicated above?

Mr. J. W. Bhore: (a) The Government of India are aware that such a resolution was moved by Col. Megaw.

(b) The proceedings of the Medical Research Workers' Conference have not yet been submitted to the Government of India. When they are received, I can assure the Honourable Member that the resolution will be duly considered.

PREVENTION OF MALARIA.

386. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state what steps they propose to take in respect of malaria suppression work in the matter of providing an effective permanent central organisation to work in collaboration with organisations in the Provinces in the effort to cope with this menace to health and prosperity in India as indicated in the Indian Medical Research Workers Conference?

Mr. J. W. Bhore: As I have said in answer to the Honourable Member's last question, the proceedings of the Medical Research Workers' Conference have not yet been received, but I give him the same assurance that, when they are, the proposal will be duly considered.

ESTABLISHMENT OF THE RATES TRIBUNAL.

337. ***Mr. B. Venkatapatiraju**: Will the Government be pleased to state why the establishment of a Railway Rates Tribunal was postponed till now and when the Railway Rates Tribunal will be established in India?

ESTABLISHMENT OF THE RATES TRIBUNAL.

352. ***Mr. K. Rama Aiyangar**: (a) Will the Government be pleased to inform this Assembly whether they have succeeded in persuading Company-managed Railways to accept the Rates Tribunal with powers and functions as suggested by the Acworth Committee?

(b) In whichever form the Government have ultimately decided to constitute the Rates Tribunal, will they be pleased to inform this Assembly when the personnel will be announced?

ESTABLISHMENT OF THE RATES TRIBUNAL.

385. ***Mr. B. Das**: Will Government be pleased to state if they have reached any decision regarding the establishment of a Rates Tribunal?

The Honourable Sir Charles Innes: I propose with your permission, Sir, to answer questions Nos. 337, 352 and 385 together.

After consultation with the Central Advisory Council the matter was again referred to the Secretary of State whose sanction has now been received. The body will be called the "Rates Advisory Committee"; its functions will be to investigate and report to the Government of India on the following subjects:

- (1) Complaints of undue preference [section 42 (2) of the Indian Railways Act, 1890];
- (2) Complaints that rates are unreasonable in themselves;
- (3) Complaints or disputes in respect of terminals (section 46 of the Railways Act);
- (4) The reasonableness or otherwise of any conditions as to the packing of articles specially liable to damage in transit or liable to cause damage to other merchandise;
- (5) Complaints in respect of conditions as to packing attached to a rate, and
- (6) Complaints that railway companies do not fulfil their obligations to provide reasonable facilities under section 42(3) of the Indian Railways Act.

The personnel of the Committee is under consideration and will be notified in due course.

Mr. B. K. Shanmukham Oshetty: Is it a fact that the Acworth Committee recommended that the Rates Tribunal should be appointed with statutory powers while the Government of India intend to appoint the Rates Tribunal merely as an advisory body?

The Honourable Sir Charles Innes: I may point out to the Honourable Member that this decision I have just announced to the House is the result of very prolonged deliberations not only on the part of the Government of India but also on the part of the Central Advisory Committee, and it represents a decision arrived at in consultation with the Central Advisory Committee. The factors entering into the case are extremely complicated and I would suggest to the Honourable Member that, if he wishes to go into the matter, he can bring it up in connection with the Railway Budget for full discussion.

Mr. R. K. Shanmukham Chetty: Did the Central Advisory Committee advise the Government of India that the Rates Tribunal should be appointed as an advisory body?

The Honourable Sir Charles Innes: As I said, this represents a decision arrived at in consultation with them.

Mr. R. K. Shanmukham Chetty: What was the Central Advisory Committee's view?

The Honourable Sir Charles Innes: They agreed to this proposal.

Mr. A. Rangaswami Iyengar: May I know if Government have since received representations from the Indian Chamber of Commerce?

The Honourable Sir Charles Innes: Not, as far as I am aware, from the Indian Chamber of Commerce, but I have had a representation from the Ahmedabad Mill-owners.

Mr. K. Ahmed: Is the Rates Advisory Committee subordinate to the Rates Tribunal, or will matters be referred to the Advisory Committee by the Tribunal?

APPOINTMENT OF AN INDIAN TO THE NEXT VACANCY OF MEMBER OF THE RAILWAY BOARD.

338. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state when the earliest vacancy will arise in the membership of the Railway Board and whether the Government contemplate appointing an Indian then?

The Honourable Sir Charles Innes: I regret to announce that Mr. Sim, the Financial Commissioner of Railways, proceeds on short leave at the end of this session. On his return from leave he will become Secretary to the Government of India in the Finance Department. After careful consideration of the claims of possible candidates, the Government of India have decided that the best man to succeed Mr. Sim is Mr. A. A. L. Parsons, C.I.E., I.C.S. Mr. Parsons will join his appointment in the beginning of April.

PROTECTION OF INDIAN INTERESTS IN TANGANYIKA, UGANDA AND KENYA.

339. ***Mr. B. Venkatapatiraju:** (a) Has the attention of the Government been drawn to the conference at Moshi of the Governors of Tanganyika, the mandated territory, Uganda, the Protectorate and Kenya, the Crown Colony, to level down the differences of administration?

(b) Will the Government be pleased to state whether they have taken any, and if so, what steps to protect the interests of Indians settled in those places?

Mr. J. W. Shore: (a) The reply is in the affirmative.

(b) The Government of India have nothing to add to the announcements made from time to time by them and by His Excellency the Viceroy regarding the steps that have been taken to protect the interests of Indians in the territories mentioned.

INDIAN DEPUTATION TO SOUTH AFRICA.

340. ***Mr. B. Venkatapatiraju:** (a) Has the attention of the Government been drawn to the statement of Dr. Milan, Minister of the Interior, South African Government, that the request of the Indian Government for a Round Table Conference was refused by the Union Government on the ground that it would mean making a concession on the essential principles of the Bill and the Union Government was not prepared to do that but welcomed the Indian deputation as they would have an opportunity of giving evidence before the Select Committee of the anti-Asiatic Bill?

(b) Have the Government agreed to the view that the function of the Indian deputation was to give evidence before the Select Committee?

(c) Will the Government be pleased to publish the correspondence to avoid misapprehensions in the matter?

(d) Have the Government given instructions to the deputation to give evidence before the Select Committee or has the deputation been allowed only to discuss the Asiatic problem with the political parties and official representatives without committing this Government to any definite course before the Assembly had an opportunity of expressing its view in the matter?

Mr. J. W. Shore: (a) Yes

(b) and (d). The functions of the Indian deputation to South Africa are explained in the press communiqué which was issued on the 20th November, 1925, a copy of which has been placed in the Library of the House. The Union Government have undertaken to give the deputation, if they so desire, an opportunity of laying the case of Indians before the Select Committee which may be appointed after the second reading of the Bill. The Government of India are not yet in a position to state whether any useful purpose will be served by authorising their deputation to give evidence before the Committee.

(c) The Government of India regret their inability to comply with the Honourable Member's request.

TREATMENT OF INDIANS IN SOUTH AFRICA.

341. ***Mr. B. Venkatapatiraju:** (a) Has the attention of the Government been drawn to the resolution of the congress held at Cawnpore that the South African Areas Reservation and Immigration and Registration Bills are a breach of the Smuts-Gandhi agreement, and racial in character and calculated to make the position of settlers worse than it was in 1914?

(b) Is it a fact that General Smuts had given the pledge referred to above not individually but on behalf of a nation and, if so, are the Government of India prepared to appeal to the British Government to instruct the Governor General of the South African Union to withhold assent to any Bill which contravenes the terms of the Smuts-Gandhi agreement?

Mr. J. W. Shore: (a) Yes.

(b) It was as Minister of the Interior in the Union Government that General Smuts gave on June 30, 1914, the assurance that it had always been and would continue to be the desire of the Government to see that existing laws are administered in a just manner and with due regard to vested rights.

The Government of India are not in a position to say what action they will take in the event of this or any other Bill of a similar character becoming law

THE INDIAN TRADE UNIONS BILL—contd.

Mr. President: The House will now resume further consideration of the clauses of the Trade Unions Bill. The motion before the House is that clause 15 stand part of the Bill.

Mr. W. M. Joshi (Nominated: Labour Interests): Sir, in view of the adverse fate of my amendment No. 25, I propose to withdraw my amendment No. 26*. I do not move it.

I move my amendment No. 27; and with your permission, Sir, I shall only move one part of that amendment. My amendment is:

“That in sub-clause (j) of clause 15 for the words ‘the general funds of any other registered Trade Union’ the words ‘any cause intended to benefit workmen in general’ be substituted.”

I do not propose to move the latter part of the amendment which has been printed. Sir, when I moved my amendment to clause (d) . . .

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Before Mr. Joshi proceeds, Sir, may I ask your ruling on a point of order? Can Mr. Joshi be allowed now to alter his amendment?

Mr. President: It is entirely within the discretion of the Chair. The Chair has no objection to the alteration proposed by Mr. Joshi.

Mr. W. M. Joshi: Sir, I could have understood the objection of my Honourable friend if my alteration of the amendment had brought forward any new item; but I have not made any change in my amendment in that way. I have only moved one part of it and I do not propose to move the proviso in the latter part. The Honourable Member is quite prepared to meet the whole amendment and so he must be prepared to meet one part of it; he is not put to any inconvenience. I thank you, Sir, for your permission.

When I moved my amendment to clause 15 (d) it was stated that the proper place for proposing that the funds of a Trade Union may be spent for the general benefit of the class of workmen in general was in clause (j). I am, therefore, moving this amendment. My object is, as I stated last time, that if the Trade Unions are to succeed at all, the working class people must stand together and help each other. It is with that object that I want to give permission to the Trade Unions to be able to spend their money for helping the working classes in general. In my previous speech I pointed out one such object; and that was to help the working class people, organised or unorganised, during a strike. But, Sir, there are several other objects in which one Trade Union which has got funds could go to the help of the working classes in general, and one of those objects is that a Trade Union consisting of people who are organised and who realise the benefit of organisation should go to the help of unorganised workers in order to organise them. If only a few people are organised and the large mass of people outside are not organised these organised people cannot achieve anything. The first thing, therefore, that a Trade Union should do is to organise those people who are not organised, and if I were a trade unionist and if I were in charge of a Trade Union, I should spend even all my money in organising those who are not organised. If a Trade Union

*“To sub-clause (h) of clause 15 the words ‘or for other workmen and their dependents’ be added at the end.”

has got a sum of Rs. 100 with it, I should spend the whole amount of that Rs. 100 in order that the other people in the street who are not organised should be organised. The expenditure of that Rs. 100, the whole of the amount possessed by that Trade Union, is a good investment even from a business point of view. A Trade Union may spend the whole of that Rs. 100 which they possess during that year; but if they succeed in organising those who are not organised, certainly their income will increase. Therefore it will be very useful for that Trade Union to spend at least a part of this money, if not the whole, for organising the unorganised workers, because the strength of the Trade Union movement lies in being a strong solid body; and for that purpose it is absolutely necessary that the funds of a Trade Union should be spent in this direction.

Then, Sir, there are other objects, such as relieving the distress of working class people whenever they may be in distress, and helping the working class people in their education and in other social movements. It is, therefore, necessary that a Trade Union should possess this power. Sir, when this question was discussed the other day in this House, much was made of the fact that it is necessary for legislation to protect trade unionists against the wild actions of the officers of the Trade Union. I must thank those people who are so solicitous about the welfare of the working classes, in saving them from their officers. But here I find their attempt is not only to save the trade unionists from the actions of their officers, but they want to save the working classes from themselves. They feel that the working classes do not understand their interests, that they will squander their money and therefore, we, sitting in this House, who understand their interests better than themselves and who are their friends, must make rules that they should not spend their money on other people belonging to their class, even in their distress. Sir, the object of these people is to teach these people to be selfish. They tell them "It is your money; do not spend for others." Sir, it is a matter of great surprise to me that legislation should be necessary to teach the men to be selfish. I know there are some unselfish men, and if you ask my opinion, Sir, I tell you that working class people are more unselfish than any other class of people; but even so there is enough of selfishness among the working classes to prevent them squandering their own money on other people. You need not put any safeguard to tell a man that he should spend all his money on himself and should not spend any part of his money on others. That feeling of selfishness is ingrained in man. No Legislature, no Government is required to teach a man to be selfish. Human nature contains enough elements of selfishness; and I therefore feel that when people compel men by legislation to be selfish and tell them they should not spend money on other people, they do not either understand human nature or they are not sincere in what they say, namely, that they want to protect the interests of the working classes.

If they say that the working classes are not selfish, then I say that they have not got much experience of the working classes. The working classes are better, as I said, than other classes. But then they have got enough of selfishness, and you need not teach them selfishness by legislation. But, Sir, my fear is that these people understand human nature very well. What the Government fear is that in some moment of enthusiasm the working class people may forget their selfishness and may have a little spark of unselfishness in them and spend a small part of their money on others, and these people want to prevent this being done, because they

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know that it will go not against the interests of the working classes but against their own interests. Sir, in my judgment those who say that the working classes will spend all their money rashly on others are not the friends of the working classes; they are the enemies of the working classes. They do not want a working class solidarity. They want to prevent one Union helping another Union, and therefore they propose that no amount of money should be spent for the working classes in general.

Sir, I think the House will generally agree with me that my amendment must be passed if our Trade Union Bill is to serve any useful purpose. If you prevent Trade Unions spending money beyond their membership or beyond the membership of registered Trade Unions, you will not serve the cause of Trade Unionism, nor will you promote the cause of the working classes in general.

Now, as regards the clause as drafted by the Select Committee, they want that one registered Trade Union should help another registered Trade Union, but should not help unorganised workers. I cannot understand why they make this distinction except that these people are anxious to create one more class in the world, I mean a class of organised workers as distinguished from a class of unorganised workers. Sir, here again these people have not understood human nature. If workers become organised, you need not tell them that they are a class, and that they are a somewhat superior class to the unorganised workers. Unfortunately, when they become organised, when they begin to have some funds with them, when they find that they succeed more than unorganised workers, the feeling that they are a better class of people gets into them, and so you need not teach the organised workers to feel that they are a separate class from unorganised workers. The feeling gets into them naturally without your teaching them. It is a weakness of human nature. You need not promote and encourage that feeling. I therefore feel, Sir, that the clause as drafted by the Select Committee is a mischievous clause, because it tries to create a division among the working classes. If you begin to teach people that they are an organised Union and that they must help only organised people, you begin to create a feeling in the working classes that the organised workers are different from the unorganised workers. Sir, this spirit, this division, is fatal to the interests of the working classes, and we want to prevent such divisions being created, and therefore, I propose the amendment that, if the Trade Unions want to help people beyond their membership, let them do so, let them not confine the benefit to members of the registered Unions alone, let them extend that benefit to the working classes in general.

Now, Sir, there is one more point on which I should like to say a few words before I close my speech. Though in the original amendment which I had proposed I had put down a proviso that not more than one-fourth of the amount may be spent for this purpose, I now feel, Sir, that that proviso is not necessary. The safeguard which we want against Trade Unionists spending their money on others is in human nature. It is a very strong safeguard, you need not put in any additional safeguard, and therefore, to my mind, the proviso is absolutely unnecessary. I do not wish to weary the House any more, but I cannot help telling them what my experience is for the last few years in this matter. I have admitted already that the working class people are always willing to help others. But, Sir, the corrupting influence of money always works even on the working classes.

As soon as a Union begins to build up a fund, it begins to feel that that fund must be spent on itself and it should not be spent on others. During the recent strike in Bombay, I made an appeal and the President of our All-India Trade Union Congress made an appeal to all the Unions in the country. I got some money, but I assure you that the money which I expected these Trade Unions to give was not forthcoming, because these Trade Unions have already begun to feel that it is their money, it must be spent on themselves and that it should not be spent on workers in Bombay or elsewhere. Any one who is in the Trade Union movement has got this experience. He feels that you need not by legislation put down that they shall not spend more than a certain amount for the benefit of other workers. The safeguard is there in human nature. I therefore feel, Sir, that this House will accept my amendment.

Lala Lajpat Rai (Jullundur Division: Non-Muhammadan): May I, Sir, with your permission, appeal to the Honourable Mover of this amendment to stick to the amendment as it is put down in the agenda paper, because what matters is the principle involved and not the amount to be spent on the general objects. As long as the principle is conceded, I think it matters very little what

Mr. President: The Honourable Member is perfectly at liberty to move an amendment to the present amendment. The Chair would permit such amendment.

Lala Lajpat Rai: I do not think it is necessary because there is another amendment to that effect later on.

Mr. President: The Honourable Member from Bombay has already moved one amendment and no suggestion from the Honourable Member from the Punjab could change that amendment.

Shaikh Mushir Hosain Kidwai (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, to my mind the amendment moved by my friend Mr. Joshi is of great value as a matter of principle, but as a practical proposition it will remain, I think, a dead letter for a long time to come, because I do not believe that in a few days or even in a few years any Union in India will be able to spare money to send to workers in England or Russia or anywhere else. I would therefore appeal to the Government not to apprehend that the Unions will misuse the money. However, it will all depend on the spirit in which Government will enact this measure—either in a spirit of trust or suspicion. If they have trust, then they had better leave it to the discretion of the workers of the Unions to spend the money as they think best. Therefore, I support Mr. Joshi's amendment.

The Honourable Sir Bhupendra Nath Mitra: Sir, I beg to move as an amendment to Mr. Joshi's amendment:

"That the words 'provided such payment does not exceed one-quarter of the amount of the general funds available at the disposal of the Trade Union at the time of such payment' be added at the end of the amendment moved by Mr. Joshi."

I am quite prepared to admit the force of that part of my friend's arguments which referred to the solidarity of labour and to the desirability of allowing the funds of a registered Trade Union to be spent in furtherance of certain objects connected with unorganised workmen. At the same time, Sir, if we do not impose the limitation which at an earlier stage Mr. Joshi himself had provided for, and if we give a registered Trade Union a free

[Sir Bhupendra Nath Mitra.]

hand to dispose of its funds in the particular manner referred to by my Honourable friend, I am afraid that it is bound to happen in the present condition of education among workmen in India that in a moment of frenzied enthusiasm to which they have been worked up by interested persons, a registered Trade Union may be persuaded to hand over the whole of its available funds for some particular purpose with the result that it may become bankrupt. I cannot, therefore, accept the amendment in the form in which it has been moved by my friend Mr. Joshi. As a matter of fact, I am not sure that there is any considerable feeling in the House in favour of the amendment, from what I heard the other day. I am not sure even that there will be a general unanimity among my friends on the other side of the House in considering the limit of one-fourth which I am suggesting,—and I have taken for that purpose the limit which Mr. Joshi had suggested in his original amendment—to be not too high.

Mr. Chaman Lal (West Punjab: Non-Muhammadian): Sir, I am very glad to find that the Honourable Member has accepted the amendment as it stands on the paper. I quite see the force of the arguments made by my Honourable colleague Mr. Joshi, but at the same time I must confess that it is better for us to have this provision as the Honourable Member would give it to us rather than divide the House on Mr. Joshi's amendment. I am personally—and I wish to state it very strongly—entirely in favour of Mr. Joshi's proposition. I feel that no restriction of any kind should be placed upon any Trade Union in their desire to utilise their funds for the general purpose of the benefit of workers. But, nevertheless, since it does give us a loophole, since it does provide some sort of method for us for the assistance of Trade Unions and workers in general, we are quite prepared on this side of the House to accept the amendment as it stands on the paper, namely, that one-fourth of the funds of the Union could be utilised at any time for the assistance of workers in general or for their benefit. In view of all that has fallen from the lips of my colleague Mr. Joshi I do not intend to say anything more, but I do wish to point out that the time may come when it will be necessary to amend this Bill and do away with this restrictive clause in sub-clause (f) of clause 15 to the effect that only a certain amount of the funds of the Union can be utilised for the benefit of workers in general. I hope the time will come soon, but in the meanwhile, as I said before, we are quite prepared to accept this amendment as it stands.

Mr. B. Das (Orissa Division: Non-Muhammadian): May I ask Mr. Joshi one question? Does he mean workers in India or outside India?

Mr. N. M. Joshi: Anywhere.

Mr. Devaki Prasad Sinha: Why do you bother about workers?

Mr. A. Rangaswami Iyengar: The clause is there.

Mr. B. Das: I want the money to be spent in India.

Mr. President: The question is:

"That, at the end of Mr. Joshi's amendment the following words be added, namely:

'provided such payment does not exceed one quarter of the amount of the general funds available at the disposal of the Trade Union at the time of such payment.'"

The motion was adopted.

Mr. President: The question is:

"That in sub-clause (j) of clause 15 for the words 'the general funds of any other registered Trade Union' the words 'any cause intended to benefit workmen in general provided such payment does not exceed one quarter of the amount of the general funds available at the disposal of the Trade Union at the time of such payment' be substituted."

The motion was adopted.

Mr. Chaman Lal: Sir, my next amendment on the paper is:

"That for sub-clause (k) of clause 15 substitute the following:

'any other object not inconsistent with the objects laid down in the constitution of the Union'."

The clause as it stands says:

"The general funds of a registered Trade Union shall not be spent on any other objects than the following:

* * * * *

(k) subject to any conditions contained in the notification, any other object notified by the Governor General in Council in the Gazette of India."

I want that the power should be taken away from the Governor General in Council to notify in the Gazette of India any conditions that he may choose to lay down. Instead of that, I want that an express provision should be inserted in the body of the Bill to the effect that the funds can be utilised for any other object not inconsistent with the objects laid down in the constitution of the Union. My reasons for doing so are very simple. We have a very grave suspicion of the Governor General in Council. We consider that the Governor General in Council is a conspiracy. . . .

The Honourable Sir Bhupendra Nath Mitra: I rise to a point of order, Sir. Is the Honourable Member in order in expressing the words which he has just used?

Mr. President: The Honourable Member is perfectly entitled to cast suspicion on the intentions of the Government as a whole.

Mr. Chaman Lal: I thank you very much, Sir, for explaining the position to the Government. Apparently they are ignorant of the position they hold themselves. After this it will be incumbent upon us to point out to them, not once but over and over again, that we are indeed very suspicious of the attitude adopted by the Governor General in Council from time to time, and this not merely in political matters. We cannot allow the Governor General in Council to have such wide powers placed in his hands as are contained in the original draft of sub-clause (k) of the Bill. We find that the Governor General in Council can at any time lay down any further condition. The clause says:

"the general funds of a registered Trade Union shall not be spent on any other objects than the following,"

and sub-clause (k) says:

"subject to any conditions, etc."

It is an additional power. We are not prepared to allow the Governor General in Council to lay down any conditions at his own sweet will. We desire, on the other hand, to make it expressly clear in the body of the Bill that the funds can be applied for any other object not inconsistent with the objects laid down in the constitution of the Union.

[Mr. Chaman Lall.]

In the circumstances I have nothing more to say than to point out that it is only in this country that such wide powers are left in the hands of the Government. I do not desire to prolong the discussion at all on this subject, but I wish to point out merely this that it is much better for us to have an express provision in the Bill rather than leave anything to the Governor General in Council. To my mind it is perfectly clear that those who are in favour of a democratic form of government for Trade Unions will agree that it is better that the Trade Unions themselves should know where they stand rather than that they should have the sword of the Governor General in Council hanging over their heads.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I think the Honourable Member who has sat down has completely misunderstood this clause 15. Clause 15, if he will follow, lays down definitely the objects, which are mentioned from (a) to (j), for which a Union will be entitled to spend the funds. Sub-clause (k) does not really deserve the criticism that the Honourable Member from the Punjab has offered upon it, because it merely says this, that any additional object for which the Union may be authorised to spend funds may be so authorised subject to conditions contained in the notification of the Governor General in Council, and therefore I think the Honourable Member was really beside the point when he said that the Governor General in Council may do all sorts of things. (*An Honourable Member*: "Why not?") It seems to me that the Honourable Member was not following me. The scheme of the Bill is that the objects specified from (a) to (j) are the objects for which the Union is authorised to spend money. That cannot be interfered with even by the Governor General in Council. (*An Honourable Member*: "He can add other objects.") But that does not compel the Union to spend money. Therefore, it is a really futile amendment altogether.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhamadan): I quite agree with the interpretation, if I may say so without any impertinence, put upon this amendment by my Honourable friend, Mr. Jinnah. But the real reason which has inspired my Honourable friend to move this amendment and which inspires us to support it is this. According to the Bill as it stands, expenses on any item from (a) to (j) will be incurred as a matter of course and there the Governor General in Council or anybody else cannot interfere. The interference of the Governor General in Council or the discretion of the Governor General in Council will only come in when money is to be spent on any object other than the objects enumerated in items (a) to (j). Well, Sir, our point is this, that with the expansion of the trade union movement and the growth of Trade Unions it may be necessary to spend money on objects other than the objects enumerated in sub-clauses (a) to (j). When we need to spend money on objects other than those specified here, why should we be left at the mercy of the Governor General in Council?

Mr. M. A. Jinnah: Then why have this clause at all? Strike it out.

Mr. Devaki Prasad Sinha: Our amendment is this, that if any item of expense comes within the purview of the general aims and objects of the constitution of the Trade Union, that item of expense should be held as a perfectly reasonable expense and should be allowed without anybody else's sanction. We therefore want by means of this amendment to restrict the expenses incurred by a Trade Union within the limits imposed

by the four corners of the constitution of the Trade Union and by no other authority. That is the reason why this amendment is moved. The only limitation that ought to be imposed upon a Trade Union's power to incur expenditure should be that imposed by the constitution of the Trade Union or by the members of the union themselves. We resent any dictation on the part of anybody else, whether it is the Governor General in Council or any one else, with regard to the items upon which money can be freely spent. It is for helping the growth and development of Trade Unions that it is necessary that my Honourable friend, Mr. Chaman Lall's amendment should be accepted. For these reasons I support the amendment.

The Reverend Dr. E. M. Macphail (Madras: European): It seems to me after the speech of the Honourable Member who has just spoken that we have had a great deal of unnecessary discussion on clause 15. If the interpretation that he puts upon the amendment of my Honourable friend Mr. Chaman Lall is correct, then we might as well say that money might be spent by Trade Unions upon any object which they consider to be conducive to their welfare. (*An Honourable Member*: "Within the constitution.") The interpretation of the constitution is by the members of the Trade Unions themselves, and if that is so, it would be much simpler to say that the Trade Union may spend its funds upon any object which it considers to be conducive to the welfare of the community to which it belongs. For my own part I am not a capitalist nor am I a Labour Member, but it seems to me that we cannot do too much to safeguard the funds of these Unions if we really have the interests of the Unions at heart. A Trade Union has its funds for two purposes as I understand it, one that it may perform the benefits of a friendly society and the other that it may have a strike fund. If you dissipate these funds in the way that is proposed, on the one hand, you do not secure the benefits of a friendly society to the members subscribing, and, on the other, you weaken the Trade Union when it comes into conflict with its masters. I recognise what Mr. Joshi has said about the selfishness of human nature, but I may also inform him that there are moments of enthusiasm in which people are inclined to give away not their own money but the money subscribed by other people. That is what we have to guard against. It is not the giving away of what people have put in at the moment, but the accumulation of past years, the accumulation of past generations of trade unionists, and I say that it is not right that any such power should be given to the Trade Union. I should like to have pointed out, but I may add it on this occasion, with regard to the amendment that was accepted by the Honourable Member in charge, nothing has been done with regard to fixing a time limit, and consequently it seems to me that it is quite possible for one-fourth of the funds to be voted this week, another one-fourth next week and a third one-fourth the following week. I think there ought to have been some limit fixed on the amount of time in which the one-fourth of the funds may be given up.

***Mr. K. Rama Aiyangar** (Madura and Ramnad *cum* Tinnevely: Non-Muhammadian Rural): I think there is some misapprehension which has caused this amendment to be moved. I will only point out to my Honourable friend Mr. Chaman Lall that sub-clause (k) gives facilities

*Speech not corrected by the Honourable Member.

[Mr. K. Rama Aiyangar.]

for a union to move the executive Government instead of going to the Council whenever it finds it necessary to add to its objects. It is, in fact, an occasion given to it to get an order by notification of the Governor General in Council and the amendment now proposed prevents that occasion being given.

Mr. Devaki Prasad Sinha: Your interpretation is absolutely wrong.

Mr. K. Rama Aiyangar: You will please think over this matter. Sub-clause (k) says:

"subject to any conditions contained in the notification, any other object notified by the Governor General in Council."

Even when an application is made the notification may restrict the way in which money can be spent by the Union on a certain object, and subject to that, power is given to the Union to move and get other objects included; and I do not think that anything can be done in that direction by the proposed amendment.

Lala Lajpat Rai: I am afraid that the discussion which is now going on does not seem to be very relevant. Section 6, which we have already passed, lays down in sub-clause (b) that when an application for registration is made the application shall contain "the whole of the objects for which the Trade Union has been established," and sub-clause (c) lays down "the whole of the purposes for which the general funds of the Trade Union shall be applicable, all of which purposes shall be purposes to which such funds are lawfully applicable under this Act." When we come to the first sentence in the first paragraph of clause 15 we find it stated that:

"The general funds of a registered Trade Union shall not be spent on any other objects than the following"

So, practically, clause 15 is to a certain extent restrictive and to a certain extent explanatory of the objects stated in the Trade Union's registration application. No doubt, the amendment that has been proposed is restrictive rather than expansive, but at the same time what we want to establish is the principle that, as far as possible, no interference should be made in the working of the Trade Unions by any outside authority. If any Trade Union wants to extend its objects it can certainly do so under the procedure allowed to it under the law. We do not want anything to be done by notifications because Trade Unions will have no voice in the issue of these notifications or in the control of the contents of such notification. I therefore think the amendment proposed by my Honourable friend Mr. Chaman Lal is quite in order. The clause states that the general funds of a Trade Union can be spent in furtherance of any other object or purposes not inconsistent with the objects laid down in the constitution. If it is inconsistent, then of course it cannot be allowed. This is only the substitution of one general clause in place of another general enabling clause. None of those difficulties, as has been pointed out, would arise by the acceptance of the amendment, but even if the amendment is not accepted and the clause is altogether omitted, I for myself shall be satisfied, but so long as the clause remains as it is I think it might involve at some stage an undue interference in the disposal of the funds of the Trade Union by the Governor General in Council.

Mr. N. M. Joshi: It seems to me, Sir, that there are some Members of this House who are impatient of hearing this discussion on the Trade Unions Bill. Unfortunately I cannot please them. I have to do my duty in this House towards the working classes. If some people are tired of the discussion, I am sorry, but I cannot help saying things which I think are absolutely necessary to be said. As regards the amendment of my colleague Mr. Chaman Lall (*Mr. M. A. Jinnah*: "Comrade.")—I would not mind calling him Comrade Chaman Lall—I would draw the attention of the House to the definition of a Trade Union. A Trade Union means any combination, whether temporary or permanent formed primarily for the purpose of so and so. The primary objects of a Trade Union are defined in this Bill. The secondary objects are not defined and a Trade Union, besides having these objects, which are statutory objects, may have some other minor objects. That is not prohibited even in the English legislation. The English legislation makes it quite clear that besides the statutory objects a Trade Union may have some other objects. I shall give you an example. Suppose the members of a Trade Union think that they should take advantage of their organisation for the promotion of physical culture and start some *akada* in order that they should learn wrestling and some other things. Of course you may say that this may be covered by the word "social", but it is difficult to say whether *akadas* can be called a social purpose or not. I will give you another instance. Suppose a Trade Union besides doing its primary duty wants to take advantage of the organisation for the promotion of art. They may start some group to paint and also develop art in the country. It is quite possible and it should not be prevented. Why should that organisation be prevented from starting an *akada* or a gymnasium for the use of its members or from starting a group for the promotion of arts within itself. That is provided for in the English Act, which states that the Union besides having the statutory objects may have some other objects as my friend Mr. Chaman Lall has put down in his amendment, not inconsistent with the constitution of that Union. The English Act lays down this. The fact that a combination has under its constitution objects or powers other than statutory objects within the meaning of this Act shall not prevent the combination being a Trade Union for the purpose of the Trade Union Acts, 1871 to 1906, so long as the combination is a Trade Union as defined in this Act, and, subject to the provisions of this Act as to the furtherance of political objects, any such Trade Union shall have power to apply the funds of the Union for any lawful objects or purposes for the time being authorised under its constitution. Mr. Chaman Lall's amendment is quite consistent with this clause. I do not know therefore why people should try to restrict the power of Trade Unions in India. It was also said that the Trade Unions spend some other people's money. The Penal Code is enough to punish them.

The Reverend Dr. E. M. Macphail: May I explain, Sir. I meant that the people who were in charge of the funds of the Union are spending other people's money and not their own money.

Mr. N. M. Joshi: How can they spend other people's money? This goes on everywhere. The Government of India are spending our money without consulting us.

The Reverend Dr. E. M. Macphail: I understand the Honourable Member objected to that.

Mr. N. M. Joshi: I did. I assure you that if any officer of a Trade Union spends its money without consulting the members and beyond the wishes of the members, I shall hold that officer responsible as I hold the Government of India responsible. I shall blame that officer as much as I blame the Government of India. It is absolutely wrong for any officer of a Trade Union to spend its money on objects which the members do not wish to spend on.

The Reverend Dr. E. M. Macphail: May I explain, Sir, that after a Trade Union has been in existence for some time it may have the accumulated funds of a certain number of years. It may have large funds. When I say other people's money, I mean the money of past generations and I say that that money may be given away in a moment of enthusiasm, when it ought to be kept for the purpose of carrying on the work of the Trade Union.

Mr. N. M. Joshi: I assure my Honourable friend that I do not want the Trade Unions to waste this accumulated part of the money. Then why not change the whole law of property. You will get my support. You will never get the slightest support in this House for the proposition that you are laying down that the accumulated wealth which people possess in present circumstances is not theirs and that they have no right therefore to spend it, but you will get my support. I think that the fears that the people will spend money rashly in a moment of enthusiasm are absolutely groundless. People may make mistakes but for that reason you need not tie their hands so much. Leave them a little liberty. They will learn by experience as we are all learning in the political sphere. I am somewhat surprised to find people like my friend Mr. Jinnah, who, in politics, would like local bodies and other bodies freed from the control of Government, now doing quite the other thing. If you give them a little liberty, Trade Unions will learn a sense of responsibility. If you suspect them and tie down their hands, how will they learn responsibility? The amendment of my colleague Mr. Chaman Lal is quite consistent with the English Trade Union Act. I am quite sure there will be no danger if we pass this amendment.

The Honourable Sir Bhupendra Nath Mitra: Sir, when Mr. Chaman Lal moved the amendment the objects with which he moved it were, if I may say so, as obscure to me as it was to many other Members of the House who have already spoken. I think I now see to some extent the object of his amendment, and the extent to which I have managed to understand that object compels me to oppose the amendment. Reference has been made to the provisions of the English law. I think, Sir, at the very outset, when I was introducing this Bill, I made it perfectly clear that there was no intention in the Government Bill to blindly copy the provisions of the English Act. What we wanted was to make a beginning with the formation of registered Trade Unions after taking into due consideration the present conditions, educational and otherwise, of the workmen in India. A general provision like the one which it is now proposed to introduce may work in a country like England where the workman is in a much more advanced state of education than his brother in India. (*An Honourable Member:* "Why don't you give them education here?") That is another matter. When that stage of education is reached it is pretty certain that we shall have a different form of Trade Union Bill, probably drawn up by an Assembly quite different to the one to which I have the honour to address my remarks. Until that stage is reached, Sir, this

Government have certain responsibilities in the matter, and therefore they are bound to take such action as they may consider desirable to safeguard the interests of these workmen. As I said before, the fundamental objects on which the general funds of a Trade Union can be spent in England are two-fold, firstly, trade objects and secondly the benevolent objects. Provision for all those objects have been made in section 15. I think myself that it would be dangerous from the point of view of the workman, who may be worked up to frenzies of enthusiasm, to put in a provision of the sort proposed in the amendment of my friend Mr. Chaman Lall.

Mr. President: The question is:

"That for sub-clause (k) of clause 15 the following be substituted:

'any other object not inconsistent with the objects laid down in the constitution of the Union'."

The Assembly divided:

AYES—26.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Chaman Lall, Mr.
Chetty, Mr. R. K. Shanmukham.
Das, Pandit Nilakantha.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Goswami, Mr. T. C.
Iyengar, Mr. A. Rangaswami.
Joshi, Mr. N. M.
Kidwai, Shaikh Mushir Hosain.
Lajpat Rai, Lala.
Lohokare, Dr. K. G.

Majid Baksh, Syed.
Muituza Sahib Bahadur, Maulvi
Sayad.
Naran Dass, Mr.
Nehru, Pandit Motilal.
Ray, Mr. Kumar Sankar.
Samtullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Tok Kyi, U.
Yusuf Imam, Mr. M.

NOES—57.

Abdul Qayyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Carey, Sir Willoughby.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Datta, Dr. S. K.
Denovan, Mr. J. T.
Dumasia, Mr. N. M.
Ghazanfar Ali Khan, Raja.
Ghose, Mr. S. C.
Gordon, Mr. R. G.
Gour, Sir Hari Singh.
Graham, Mr. L.
Hazlett, Mr. J.
Hira Singh Brar, Sardar Bahadur
Captain.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Jafar, Mr. K. S.
Jemani, Haji S. A. K.

Jinnah, Mr. M. A.
Kasturbhai Lalbhai, Mr.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Maguire, Mr. L. T.
Makan, Khan Sahib M. E.
Mitra, The Honourable Sir Bhupendra
Nath.
Muddiman, The Honourable Sir
Alexander.
Mutalik, Sardar V. N.
Naidu, Rao Bahadur M. C.
Neave, Mr. B. R.
Owens, Lieut.-Col. F. O.
Pal, Mr. Bipin Chandra.
Rahman, Khan Bahadur A.
Rajan Baksh Shah, Khan Bahadur
Makhdum Syed.
Ramachandra Rao, Diwan Bahadur M.
Reddi, Mr. K. Venkataramana.
Rgy, Mr. G. P.
Sim, Mr. G. G.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vernon, Mr. H. A. B.
Vijayaraghavacharyar, Diwan Bahadur
Vishindas, Mr. Harichandrai.
Zahab, Mianji Muhammad.

The motion was negatived.

Mr. President: Honourable Members will understand that unless they have made up their minds to divide the House, they should not carry matters up to the stage of the Division Bell. Except under exceptional circumstances, Members must not change their attitude at the last moment; otherwise they will find that much against their will, they and their supporters will have to go into a Lobby, as in the present instance.

Clause 15, as amended, was added to the Bill.

Mr. President: The question is:

"That clause 16 do stand part of the Bill."

The Honourable Sir Bhupendra Nath Mitra: Sir, I have to move an amendment of a formal character. I move:

"That in sub-clause (1) of clause 16 before the words 'Trade Union' the word 'registered' be inserted."

That was, I confess, a verbal error which was made while this new clause was drafted in Select Committee. The Bill itself refers to registered Trade Unions and does not contemplate any other class of Trade Unions, and hence it is necessary that the word "registered" should be put in before the words "Trade Union".

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): I rise to oppose this amendment proposed by my Honourable friend, Sir Bhupendra Nath Mitra. The object with which this new clause was introduced in the Bill was to enable workers in general to carry on a political propaganda for the recognition of their rights. That being the object, it is permissible for every worker in this country, whether he belongs to a registered Trade Union or does not belong to a registered Trade Union, to contribute his mite to a fund which would be utilised for organising a political platform for the workers in general. By this amendment it is intended to restrict the building up of a political fund by means of subscriptions paid only by members who belong to a registered Trade Union. That would be an illegitimate interference with the object for which this fund is sought to be built up. If any other worker, who does not belong to a Trade Union for some reason, is as enthusiastic about the recognition of the political rights of workers as another worker who belongs to a Trade Union, there is no reason why he should not contribute to a fund which may be utilised for political purposes. We realise that in this new clause which has been introduced by the Select Committee only a halting recognition has been given to the principle which the British Act of 1913 introduced in England. A perusal of this clause will show that there is a substantial difference between the provisions of clause 15 and that of the British Act of 1913. There the principle upon which a member can claim exemption from payment to a political fund is the principle of contracting out. Here every member has to contract himself into paying for the accumulation of political funds; therefore there is no meaning in saying that we have granted a very great boon to workers by incorporating this clause in the Bill—such being the limitations imposed upon the workers' capacity to build up a political fund. I submit that it should not be restricted further by limiting it to members belonging to a registered Trade Union. What I ask for by opposing this amendment is to allow workers, who belong to a Trade Union or not, to collect money for carrying on political activities,

activities which would give them that right which other sections of the community, namely, the capitalists, enjoy. I submit, Sir, that this is a very moderate demand and does not involve any interference with the funds of a Trade Union. If there is a political fund there will be proper disbursements from that fund, and you can impose any restrictions for safeguarding it, but why do you want to limit the number of persons who will pay for that political fund? Why do you want that the building of the political fund should be restricted to members belonging to a Trade Union? Why should any worker who belongs to a Trade Union which may not be registered not be entitled to pay to a political fund or to spend money on political propaganda? For these reasons, Sir, I oppose the amendment.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, I beg to support the amendment. I can assure the last speaker that no court construing this Act, if enacted as the Bill now stands, would or could, in face of the Preamble, apply section 16 to any Trade Union except a registered Trade Union. The Preamble says that the object of this enactment is to "define the law relating to registered Trade Unions in British India", therefore while that Preamble stands this enactment cannot be taken, nor can any particular section of it be used for the purpose, unless expressly stated, of Trade Unions not registered. The words "a Trade Union" any court will consider to signify a registered Trade Union. Therefore the amendment which is proposed merely helps clarity and avoids the sort of misconception under which the last speaker obviously labours.

Mr. President: The Honourable Member knows that the House would change the Preamble if it agreed to retain clause 16 as it is

Colonel Sir Henry Stanyon: It is true, Sir, that I anticipate what is going to happen in working upon the basis of a Preamble which has yet to be passed, but apart from the Preamble, every clause that we have so far dealt with is concerned with a registered Trade Union and with no Trade Union which is not registered, except only with the provisions relating to the formation of a Trade Union. I submit that, if there is to be legislative sanction to the registration of Trade Unions by an enactment obviously devised for that purpose only, apart altogether from the Preamble, it would lead to endless confusion to attempt to have occasional provisions or even one provision in the enactment relating to Trade Unions which are not registered. Therefore, my submission to the House is that they should strongly support this amendment. The omission of the word "registered" has been stated to be a mere clerical omission and it ought to be rectified.

Mr. N. M. Joshi: I think, Sir, this amendment of the Honourable Member for the Department of Industries and Labour is a useless one. I do not know what is his object in moving this amendment. It is beyond his power to prevent an unregistered Trade Union forming a political fund. I do not therefore know why he insists on this amendment. I know his object is some other one, but I am quite sure he will not succeed in that object.

The Honourable Sir Bhupendra Nath Mitra: My object was, to quote the words of Sir Henry Stanyon, to clarify the law. The Bill as it came out from the Select Committee provided for the registration of Trade

[Sir Bhupendra Nath Mitra.]

Unions and in certain respects defined the law relating to registered Trade Unions in British India. That was the Bill as it came out of the Select Committee, but in drafting, the word "registered" was not put in between (a) and "trade union" in clause 16 (a). It may be that the legal position, even if the word is not there, will be that the court will not apply the clause to any but a registered Trade Union, but my object was simply to clarify the law, as has been fully explained by Sir Henry Stanyon.

Mr. President: Does the Honourable Member for Government suggest it is a clerical error which he wishes to remedy?

The Honourable Sir Bhupendra Nath Mitra: I simply wanted to correct a clerical error. (*The Honourable Mr. S. R. Das:* "To make it clear.") To make it clear; it comes to the same thing. I simply wanted to clarify the position that this clause, as drafted by the Select Committee, applied to registered Trade Unions only.

Mr. President: The Chair regrets that it has not been able to follow the Honourable Member. Will the Honourable Member kindly explain whether in Select Committee this point was considered and it is only by the mistake of the draftsman that the word "registered" has been omitted.

The Honourable Sir Bhupendra Nath Mitra: The Select Committee never contemplated that any of the provisions in the Bill should apply to a non-registered Trade Union. That was what the Select Committee did.

Mr. President: Does the Honourable Member know that this particular clause does apply to non-registered Unions?

The Honourable Sir Bhupendra Nath Mitra: No, it does not, because, if so, it is obvious the Select Committee themselves would have changed the Preamble to the Bill.

Mr. N. M. Joshi: That may have been by mistake.

***Diwan Bahadur M. Ramachandra Rao** (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, may I also point out that Chapter III is headed "Rights and Liabilities of registered Trade Unions" and therefore clause 16 coming within that Chapter would certainly apply to registered Trade Unions. It may be, as pointed out by my Honourable friend Sir Bhupendra Nath Mitra, that the word "registered" was omitted in clause 16. It seems to me it is all a question of intention, and the intention can only be judged by the titles of the Chapters. Therefore, if the intention is that Chapter III should apply only to registered Trade Unions, it seems to me it automatically follows, apart from all other considerations, that the word "registered" should find a place in clause 16.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I have heard with great interest the discussion that has proceeded on this clause, but I confess my inability to understand exactly the point of the Honourable the Member in charge of the Bill as well as that of my friend Sir Henry Stanyon. As for the remarks which have fallen from the Honourable the Diwan Bahadur I can only point out

to him the very well worn-out doctrine of law that neither the headings of Chapters nor the marginal notes of an Act have anything whatever to do with the construction of that Act.

Mr. M. A. Jinnah: It has not become law yet. What was the intention of the Select Committee?

Pandit Motilal Nehru: The intention we have to express is the intention of this House and not of the Select Committee. Are we going to take evidence on the intentions of the Select Committee? Here are the words, and they have a definite meaning. When you talk generally of a Trade Union, it is not restricted to a registered Trade Union. I am not going to take cognizance of the unexpressed intentions of the Select Committee. I have to gather their intention from the words they have used; and it is not open, I say to any of my Honourable friends, to say that this is either a clerical error or that the amendment that is being proposed is with a view to clarify the law. The law has to be made here by us. It is in the making now; it is on the anvil, and you can only discuss it on the merits. It is open to us to say either that this power should be restricted to registered Trade Unions or to give it to all Trade Unions and have a general clause in the terms in which it appears in the Bill. There seems to be again some confusion of thought about what controls and what does not control the construction of a clause. As has been pointed out by my Honourable friend Mr. Jinnah, the Bill has not been passed as a Statute yet, and the stage when it will have to be interpreted as a Statute has not arrived. But the very important stage which has either arrived or is going to arrive is as to what is the scope of this Bill, and whether . . .

Mr. M. A. Jinnah: The point has not been raised.

Pandit Motilal Nehru: It has been raised. They wish to clarify the position, and I say that that is raising a direct question as to the scope of the whole Bill. It has been attempted to be made out on two grounds. The first ground which was taken by my friend, Sir Henry Stanyon, rested on the language of the Preamble: It was very properly pointed out to him that he was relying upon a Preamble which had not yet met with the acceptance of this House and that it was open to the House to change it in any manner it liked, having regard of course to the provisions of the operative clauses after they have been passed by the House. Then, we come to the clarifying process. I do not know how the clarifying is to be made, unless we go into the question as to what is the exact scope of this Bill. If that is the point which has been raised by the Honourable Member in charge of the Bill, I am perfectly willing to discuss it; but I understand from him that he is not raising that point. If he is not raising it, then the one question that the House is concerned with at the present moment is that of the merits of the clause; whether having regard to the provisions contained in this clause we should give the power to registered Trade Unions only or to Trade Unions in general to raise funds in the particular manner described in that clause. My contention is simply this, Sir, that what we have to consider is not whether there has been some kind of omission, clerical or verbal, or an oversight, or even the exact thing contemplated by the Select Committee. We need not go behind the terms of the clause as it is laid before us for consideration. We must take the intention of the

[Pandit Motilal Nehru.]

Select Committee from the words which we find staring us in the face here; and on those words I say that no reason has yet been advanced on the merits why all Trade Unions may not do what a registered Trade Union may certainly do under this clause.

Mr. President: The Chair desires to warn Honourable Members of the consequences of their vote on this amendment one way or the other. For, on the decision which they arrive at on this particular amendment would depend more or less the decision of the Chair on the question of the admissibility of certain amendments which are to follow. If the House refuses to accept the amendment of Sir Bhupendra Nath Mitra, it will be an indication that, in the opinion of the House, the scope of the Bill is so extensive as to admit of amendments affecting unregistered Trade Unions. But, on the other hand, if they accept the amendment of Sir Bhupendra Nath Mitra it must follow as a matter of course that in their opinion the Bill should be confined to registered Trade Unions only. It will therefore be necessary for Members to consider this particular amendment very carefully. The Chair is perfectly prepared to give due weight to the decision of the House on the point.

Mr. M. A. Jinnah: I do not know, Sir, how to proceed after what you have said. I am perfectly willing, Sir, that you should give your ruling so that it might help us in dealing with this Bill whether any amendment or amendments which relate to unregistered Trade Unions are within the scope of this Bill or whether they are not. That, Sir, is for you to decide. But here, dealing with this clause 16 and with this amendment, as a Member of this House I wish to deal with it on its merits, apart from whatever your ruling may be. Now, this amendment is moved by the Honourable Member in charge of this Bill, and if I may say so, Pandit Motilal Nehru has taken an erroneous view of the situation that has arisen. The Bill is not yet passed into law and we are at a stage when you have before you the Report of the Select Committee, and Honourable Members are entitled to move any amendment they like to the various clauses of this Bill. The question arose as to what could have been the intention of the Select Committee in not putting in the word "registered" in clause 16. Well, Sir, I happened to be on the Select Committee and I am entitled to say to the House that all along—I may be wrong—my impression was that we were dealing purely with registered Trade Unions

• **Mr. Devaki Prasad Sinha:** On a point of order, Sir. Can the Honourable Member mention things that passed in the Select Committee?

Mr. President: In so far as it is necessary to clarify the issue now before the House the Honourable Member from Bombay may do so.

Mr. M. A. Jinnah: And I quite agree that the Bill as it has emerged from the Select Committee is one which can be modified and amended, and this House is certainly not bound by it. It is open to Honourable Members to move any amendments they like. Similarly, the Honourable Member in charge has moved an amendment, and it is for this House to decide whether it should be accepted or not. Therefore, we get back to the merits. The merits are these. Clause 15 undoubtedly deals with registered Unions, and as you will see, Sir, clause 16 was not there; it was added

in the Select Committee. The question then arose as to the provision for the civic and political interests of these registered Unions that we were dealing with under clause 15. We were laying down for what purposes they could spend their funds, and having exhausted those purposes, it was suggested that they should also be allowed the power to spend their funds for the civic and political interests of their members. The question was debated at great length, and eventually the Select Committee after a great deal of discussion suggested that if the Unions wished to spend any money for civic and political interests, a separate fund should be created for that purpose. And I still maintain that we were dealing with registered Unions, and it was for that reason that a new clause was added in the Select Committee. Therefore, you will see, Sir, that absence of the word "registered" is a mere omission by oversight, because reading it along with clause 15 and following clause 15, you will see what the intention is.

"A Trade Union may constitute a separate fund."

—it was clearly intended thereby that we meant a registered Trade Union—

"From contributions separately levied for or made to that fund, from which payments may be made for the promotion of the civic and political interests of its members. . . ."

Therefore, Sir, I submit the Select Committee intended registered Unions, and the omission of the word 'registered' is clearly an oversight. This amendment therefore comes in that form to cure the slip.

Mr. Devaki Prasad Sinha: That is entirely an opinion.

Mr. M. A. Jinnah: After all, I am expressing my own opinion, I am not laying down any law; it is left to the Honourable Member to lay down the law in this House. I am here expressing my own opinion, and I am persuading the House to agree with me and to vote with me. That is what I am doing. I claim no other function. (*An Honourable Member:* "That is right.") I am very glad that it is endorsed by my friend over there.

Now, Sir, if you do not add this word, then you are legislating for a Trade Union which may mean a registered or unregistered Trade Union.

Mr. Devaki Prasad Sinha: Why should we not?

Mr. M. A. Jinnah: I do not say that you should not, I say that I should not. That, Sir, is shortly the position. Whether you consider that it is within the scope of this Bill to legislate for Trade Unions which are not intended to be registered, it is for you to decide. But I say, Sir, that we must confine ourselves for the present to Trade Unions which are registered.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I entirely agree with what Mr. Jinnah has said and in further support of it I wish to draw attention to the fact that the whole of the Bill has been framed with the distinct object of dealing with registered Trade Unions. The Preamble, though it has not yet been passed, is certainly the best index of the intentions of those who have brought forward the Bill, and it says that this is:

"a Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India."

[Pandit Madan Mohan Malaviya.]

It does not contemplate dealing with unregistered Trade Unions. This is made clearer in Chapter III. Look at the heading. The heading is: "Rights and Liabilities of registered Trade Unions." That is again an index of what is intended. Look through the clauses in that Chapter. Every single clause refers expressly to registered Trade Unions. In clause 15 you have:

"The general funds of a registered Trade Union shall not be spent, etc."

In clause 17 you have:

"No officer or member of a registered Trade Union shall be liable, etc."

Clause 18 says:

"No suit or other legal proceeding shall be maintainable in any Civil Court against any registered Trade Union. . . ."

In sub-clause (2) of that clause you have the words "a registered Trade Union in respect of which any act is done." In clause 19 "registered Trade Union" is mentioned. So also clause 20 says: "the account books of a registered Trade Union shall be open to inspection, etc." Clause 21 refers to the right of a minor to membership of registered Trade Unions. Clause 22 says:

"Not less than one-third of the total number of the officers of every registered Trade Union, etc."

Thus, the words "registered Trade Union" occur in all the clauses of this Chapter except in clause 16 (1). The words occur in clauses 23, 24, in two places in 26, in two places in 27 and in two places in 28. Obviously it was an unintentional omission that the word "registered" was not put in in clause 16. Are my friends right in taking advantage of this omission to raise a debate and to take up so much time of the Assembly? Obviously nobody can say that this enactment will in any way hamper the activities of unregistered Trade Unions. They can do what they like. This point is made clear in paragraph 5 of the Select Committee's Report which says:

"The question of the expenditure of Trade Union funds on political objects was found to be one of considerable difficulty. We are by a majority of opinion that such expenditure should be allowed."

We are here dealing with the question of expenditure of Trade Unions which will come under the operation of this Act. Where is there any justification for the suggestion that any provision of this Act shall prevent an unregistered Trade Union from constituting a separate fund? And if there is not, then why should there be any objection raised to the insertion of the word "registered" before "Trade Union" in clause 16 as it is inserted before every other "Trade Union" in the Bill? I think, Sir, that my friends should see the wisdom of not pressing their opposition, and that we should all vote for the amendment moved by the Honourable Sir Bhupendra Nath Mitra.

Mr. A. Rangaswami Iyengar: On a point of order, Sir. Are we discussing the amendment before the House or the point of order as to whether it is right to deal with unregistered Trade Unions as being within or beyond the scope of the Bill?

Pandit Madan Mohan Malaviya: May I explain, Sir? I have endeavoured to point out that no occasion has arisen for a ruling as to whether the Bill does or does not apply to unregistered Trade Unions. Obviously it does not apply.

Mr. President: The Honourable Pandit is well within his right. From the observations that fell from the Chair, the House must have seen that the vote of this House on this amendment will materially affect the decision of the Chair on the question of the admissibility of certain other amendments. Therefore the Honourable Pandit is perfectly entitled to raise the whole question.

Mr. Chaman Lal: Sir, the question at issue is not what the intention of the Select Committee was. The question at issue is, whether we in this House should adopt this Bill as referring merely to registered Trade Unions or to registered as well as unregistered Trade Unions. That is, to my mind, the main point at issue. The question has been debated at very great length by the legal luminaries who sit to the left of me, but I fail to understand why they should harp upon a reference to the Select Committee. The Select Committee, they will note, in the very first sentence of their report, said:

"We, the undersigned Members of the Select Committee to which the Indian Trade Unions Bill was referred . . ."

They do not refer to any "Indian registered Trade Unions Bill." The point that I want to make is this, that if the other side are going in for this hair-splitting, we also can do the same. But that does not carry us very far. The question is, are you or are you not going to confer certain benefits on unregistered Trade Unions, or are you going to limit them to registered Trade Unions only? On the merits of the question there can be no doubt whatsoever in the minds of those who are in the movement, who have seen the growth of Trade Unions, not those who have merely looked at the law on the subject of Trade Unions, that it is necessary and essential that legislation should protect unregistered Trade Unions as much as registered Trade Unions. In the English Act you have a clear indication. Under the Act of 1913 you have Unions which are registered, Unions which are merely certified and Unions which are unregistered, and all these three classes under the English Act obtain the same privileges as the registered Unions. Why should not this House adopt the same procedure and allow the privileges that are contained in the provisions of clause 16 to the unregistered Trade Unions also? (*An Honourable Member:* "There is nothing to prevent it.") My Honourable friend says there is nothing to prevent it. Let us make it perfectly clear, just as they want to make it clear by having the word "registered", that there is nothing to prevent any unregistered Union from having the same advantages. It may be that Government may declare a powerful unregistered Trade Union to be an unlawful assembly exactly as they declared the S. G. P. C. to be an unlawful assembly. We want to protect those unregistered Unions which want to levy political funds. We want the same privileges extended to those Unions, which do not come under this Bill and find the restrictions against Trade Unions being registered too much and therefore do not accept the provisions of this Bill, as you are extending to registered Unions. And in order to make it perfectly clear, we ask you to extend the same privileges to the unregistered Trade Unions and not restrict the scope of clause 16.

Lala Lajpat Rai: I have been really surprised at the turn the discussion has taken. Much eloquence has been spent about the intentions of the Select Committee. I think, Sir, the indication given by you as to the effect of a vote on this amendment was perfectly right. The real question raised by the Honourable Member in charge of the Bill was whether anything

[Lala Lajpat Rai.]

relating to an unregistered Union was within the scope of the Bill or not, and any decision of this House on this amendment under this clause will practically dispose of that question. If that is the question, then of course, we have to discuss the legal point, whether an inclusion of unregistered Unions within the provisions of this Bill is within the scope of this Bill, and whether this House wants to consider those provisions or not. In view of that fact, and in view of the indication given by you, Sir, all this discussion about the intentions of the Select Committee seems to be absolutely superfluous and a pure waste of time in my judgment. If this House now rules that the word "registered" should be added in the clause it would be ruling that anything relating to unregistered Trade Unions will be outside the scope of this Bill, and therefore all the amendments which my Honourable friends intend to propose to clauses 17, 18 and 19 will be out of order. So, the point to which we should address ourselves is this, whether anything relating to unregistered Trade Unions is within the scope of this Bill or not. As soon as that point . . .

Mr. M. A. Jinnah: I rise to a point of order. Is the question whether particular amendments are within the scope of the Bill or not to be decided by the House or by the Chair?

Mr. President: That question has, of course, got to be decided by the Chair, and the Chair has already intimated to the House that the decision of the Chair will mostly depend upon the decision of the House on this particular amendment.

Lala Lajpat Rai: After this ruling, it is perfectly clear that the real point at issue at this stage of the discussion is, whether anything relating to unregistered Trade Unions is within the scope of this Bill. I would, whatever may be the decision, respectfully warn those Honourable Members who are taking a very light view of this amendment to remember that it is a very important point which they are omitting from their consideration. After a great deal of hesitation, delay and procrastination, the Government have brought in this Bill relating to Trade Unions. When my Honourable friend, Mr. Chaman Lal, pointed out that the Title of the Bill was the law relating to Trade Unions, Honourable Members on the Government Benches laughed at it, but it was not a matter for laughter at all, because I find that it is exactly the Title of the English Bill which first dealt with Trade Unions in 1871, and in that Bill there were distinct provisions which related to Trade Unions in general and also provided for the registration of Trade Unions in addition. So the law there was made comprehensive and included both registered and unregistered Unions under one Title. There is nothing in this Bill, so far as the Title is concerned, to prevent anything relating to unregistered Trade Unions being discussed and included within the provisions of this Bill. It is entirely open to this House to say that they shall not deal with anything relating to unregistered Trade Unions. I can understand it. If that is the view of the House, the matter is disposed of at once and all amendments which my Honourable friends propose to bring forward with regard to clauses 17, 18 and 19 will be out of order. If that is not the view of the House, then I would urge upon this House, both from the points of view of justice and expediency, to consider the

whole law relating to Trade Unions. There are certain immunities granted under clauses 17, 18 and 19 to registered Trade Unions. My own opinion is that those immunities already exist at the present moment and that all Trade Unions enjoy them. Doubts have, however, been expressed in certain quarters whether Trade Unions at the present moment enjoy those immunities or not. But the keeping of these provisions confining them to registered Trade Unions and not extending them to Trade Unions in general will lead to an increase in litigation, an increase in misery and an increase of agitation. There is nothing beyond that. If the House or the Government decide to keep the law in an uncertain condition for another 50, 20 or 10 years, it is entirely in the power of this House and of the Government to do so. I would respectfully urge that an opportunity like this should not be thrown away. We know that Trade Unions are existing in this country. Their existence has been recognised by Government and other persons interested in them. This is the first attempt to make a law relating to them, and it is perfectly just and proper to enact a comprehensive law, if not fully comprehensive, at least comprehensive in the sense in which the English law of 1871 was. That would have made the law clear as to certain privileges which all Trade Unions enjoy and should enjoy. Certain additional privileges could also be given to registered Trade Unions. That would have been perfectly intelligible, but the Government have evidently chosen the other course which, in my judgment, will simply lead to further litigation, further agitation and unrest. I shall not detain the House further at this late stage but perhaps I may . . .

Mr. President: The Honourable Member might raise the whole point at the last stage of the Bill.

Lala Lajpat Rai: Very well, Sir. I have then finished

The Reverend Dr. E. M. Macphail: With reference to your ruling, does it imply that, if this amendment of the Honourable Member is lost, the word "registered" will be deleted in the following clauses of the Bill or will it be voted upon?

Mr. President: The Chair has made the position absolutely clear more than once. The decision of the Chair on the question of the admissibility of amendments that are to follow regarding the inclusion of non-registered Unions in the Bill will depend mostly upon the decision of the House. If the House decides to adopt the amendment of the Honourable the Industries Member, then it will be taken as an indication that the House is not in favour of including within the scope of the Bill provisions in regard to unregistered Trade Unions. If, on the other hand, the House decides to reject the amendment of the Honourable the Industries Member it would be inferred by the Chair that the House is in favour of including within the provisions of the Bill matters regarding unregistered Unions also. The Chair would have taken the entire responsibility on itself if the matter had been made quite clear by the Select Committee itself, but it appears some members of the Select Committee are of opinion that it was by a mere oversight that the word "registered" was omitted from the Report while there are others who hold a contrary view. Therefore it is very

[Mr. President.]

difficult for the Chair to decide what, in the opinion of the Select Committee, the original intention of the Bill was. That being so, the decision of the House will be taken as a guide by the Chair as to what the scope of the Bill is.

Mr. M. A. Jinnah: Will you allow me to say a word on that point. The position that you are putting before us is putting us in a very difficult position. I may vote in favour of this amendment on the simple ground that a Trade Union which is not a registered Trade Union does not require any assistance of law with regard to how it should start its funds or how it should spend its funds. On that point alone my vote will be recorded. It does not however follow from that that I therefore express the opinion that other non-registered Unions, which other amendments seek to bring within the scope of the Bill, should also derive the benefits of this Bill or not. That does not follow so that the question whether those amendments are within the scope of the Bill can only be decided by the Chair. Therefore, Sir, I want to make my position clear. My vote, and I hope the vote of many other Honourable Members, will be merely based on that one issue that I have mentioned. And I may point out respectfully that it does not depend on what was done in the Select Committee. It is entirely for you to decide whether certain amendments are within the scope of the Bill or not and for you to decide from the provisions of this Bill and its Objects and Reasons. The Select Committee may have gone wrong. It may have allowed certain amendments not within the scope of the Bill. It is for you to decide whether those amendments, to which objection is taken, are within the scope of the Bill. Therefore I hope, Sir, you will consider this and give us a definite ruling whether certain amendments which are now on the agenda are within the scope of the Bill or not. And I can only point to the precedents. It was done on more than one occasion by both your predecessors Sir Frederick Whyte and Sir Chimanlal Setalvad. It was done when the Steel Protection Bill was before this House. . . .

Mr. President: Order, order. It is entirely for the Chair to decide whether particular amendments are admissible or not, but it is quite open to the Chair in a doubtful case to say that it will take the decision of the House as a guide in a particular case. In this particular case if this clause 16 had not been inserted by the Select Committee, the Chair would not find any difficulty whatsoever in ruling all those amendments out of order. But, in view of the fact that the Select Committee has introduced this particular clause which applies to non-registered Trade Unions, the question arises what was the intention of the Bill? Therefore the decision of the House on this particular amendment would be taken as a guide by the Chair in the determination of the question of the scope of the Bill.

The Honourable Sir Alexander Muddiman (Home Member): The only point that I would bring to your notice is this. A Select Committee deals with a Bill after a motion for second reading has been passed and it is for the Select Committee to settle the details of the Bill. The House in sending a Bill to Select Committee under our practice affirms the principles of a Bill. Now, I submit to you most respectfully as a matter for your consideration that a Select Committee cannot enlarge the scope of a

Bill without an order from the House. The point is one of very great general importance as affecting the procedure of our Assembly.

Mr. N. M. Joshi: May I submit, Sir, on this point of order that this point should have been raised earlier? This is not the stage at which this point of order can be raised; it ought to have been raised long ago.

The Honourable Sir Alexander Muddiman: I raised it as soon as I had an opportunity of hearing the discussion. I could not raise it before.

Mr. President: Is it the contention of the Honourable the Home Member that the particular clause is outside the scope of the Bill and therefore beyond the powers of the Select Committee?

The Honourable Sir Alexander Muddiman: I understand that is the view, Sir,

Mr. President: The Honourable Industries Member said that it was through oversight that the word "registered" was omitted by the draftsman. The Government cannot maintain two contradictory positions.

The Honourable Sir Bhupendra Nath Mitra: What I said was that the word "registered" before "Trade Union" was not put in the Bill appended to the Report of the Select Committee by oversight, and it has never in fact been urged by a member of the Select Committee that it was done deliberately. If that had been said at any stage, I should have certainly said that the Select Committee had been out of order in making such a recommendation. But no such statement had in fact been made at an earlier stage of this discussion. The correct procedure has been clearly laid down, or rather clearly indicated, by the Leader of the House. I had no opportunity of bringing before you that particular aspect of the position because, without giving me any opportunity to offer any observations on that subject, you, Sir, laid down a certain procedure; you said that the voting on this particular amendment would govern your decision on the question of order.

Mr. Devaki Prasad Sinha: May I submit, Sir, in view of what my Honourable friend, Sir Bhupendra Nath Mitra has said that no member of the Select Committee said whether it was a deliberate omission or an omission through oversight? As one who sat on the Select Committee I submit, Sir, that what was placed before the Select Committee was this clause in the form in which it is to-day. Nobody knew whether it was an omission through oversight on the part of Government or a deliberate omission of a word. We understood that the clause was as it is in the Bill to-day; we discussed it as it stands to-day, and in the form in which it was presented to us, and we passed it. As for the action of the Select Committee in widening the scope and principle of the Bill, I would remind my Honourable friend, the Home Member, that it is not a point of ruling from the Chair which will decide whether the Select Committee has widened the scope or the principle of the Bill. In the Report the Select Committee say at the end:

"We think that the Bill has not been so altered as to require republication, and we recommend that it be passed as now amended."

Therefore, Sir, the proper persons to say whether the Bill has undergone a change in its principle or scope are members of the Select Committee themselves and nobody else.

The Honourable Sir Alexander Muddiman: May I say one word, Sir. I have not contended, I do not wish to contend, that the question whether an amendment is outside the scope of the Bill or not is a matter for decision by anybody but you, Sir. That is my whole point. I say that that is a decision for you entirely, but I do also urge this point for your consideration, namely, that it is not open to a Select Committee to enlarge the scope of a Bill without a direction from the House.

Mr. R. K. Shanmukham Chetty: With reference to the point raised by the Honourable the Home Member, I should like to know from you, Sir, whether it is within the scope of the Chair to say whether a Bill as it has emerged from the Select Committee has gone beyond the original scope of the Bill. My contention is that if an amendment is made by a Select Committee which goes beyond the principles of the Bill, it is for the Chairman of the Select Committee to rule that out of order and not for the Chair.

Mr. President: The final decision in a case of that kind always rests with the Chair here in this House. The matter has been sufficiently discussed and I will put the question now. The question is:

"That in sub clause (1) of clause 16 before the words 'Trade Union' the word 'registered' be inserted."

The motion was adopted.

The Assembly then adjourned for Lunch till Three of the Clock.

The Assembly re-assembled after Lunch at Three of the Clock, Mr. President in the Chair.

Mr. N. M. Joshi: Sir, I beg to move:

"That in sub-clause (1) of clause 16 after the word 'members' the word 'or of workmen in general' be inserted."

The object of this amendment is quite clear. Clause 15 enables Trade Unions to establish a political fund. Now this sub-clause proposes that the political fund should be used for the promotion of the civic and political interests only of its members. If the clause is allowed to be as it is, it will not be of much use to Trade Unions. There may be one constituency in which there may not be members of the Trade Union as voters and the Labour Party as a whole may like to support that candidate in any part of the country. If there are no members of a Trade Union in that constituency that Union will not be able to help the election of members for it. (*Honourable Members on the Treasury Benches:* "Question, question.") Sir, the Honourable Members question it. They should not mind my making the meaning of the clause clear. If they think that a Union can send some part of its political fund for fighting any election in any part of the country where among the voters they may not have any members, then certainly they should not object to my amendment. My amendment is that political funds may be utilised for the promotion of the civic and political progress of workmen in general in this country. What may happen is that in a few years time there may be a Labour Party in this country and the Trade Unions may be affiliated to the Labour Party. The Labour Party may put up a candidate for one constituency and all

the Trade Unions in that country may like to support the candidature of that candidate. As the sub-clause stands at present I think it will be absolutely necessary that my amendment should be carried so that the clause will enable any Trade Union to help the election of any member in whose constituency there may not be members of the Union as voters.

The Honourable Sir Bhupendra Nath Mitra: Sir, if I have correctly understood my friend, Mr. Joshi, what he mainly wants is already provided for in the clause, and I do not see any necessity for overburdening the law. The clause provides that from this political fund payments may be made for the promotion of the civic and political interests of its members. Now if there are certain interests which affect other workmen concurrently with the members of this Trade Union, the furtherance of those interests is a legitimate charge on the funds of the Union. I do not see therefore why it is necessary to make the addition proposed by Mr. Joshi. There may, on the other hand, be certain other interests connected with other workmen which do not in any way affect the interests of members of this particular Trade Union. I consider that this is just the sort of case in which no expenditure should be allowed to the funds of that particular Trade Union because it has been brought out time after time in this House that these Trade Unions at first will be comparatively poor. Is it not better that they should concentrate what small funds they may be able to raise in the furtherance of the various interests of their own members; and where those interests are the same as those of workmen in general there is not the slightest objection to others' interests being furthered at the same time. But from these limited funds I am pretty certain—and I am sure the House will agree with me—that it is undesirable, particularly in the earlier stage of formation of these institutions, that money should be allowed to be frittered away in a frenzy of enthusiasm and probably at the dictate of somebody else. I therefore, Sir, feel that I cannot help opposing the amendment.

Mr. Devaki Prasad Sinha: Sir, I find that there is practical agreement between my Honourable friend Mr. Joshi and the Honourable Sir Bhupendra Nath Mitra on the substance of this amendment. Sir Bhupendra Nath Mitra contends that what Mr. Joshi wants to introduce through this amendment is already in the Bill. (*Mr. A. G. (low): "No."*) Then, Sir, our reasons for supporting this amendment are still stronger because I understood him to say he practically accepted what Mr. Joshi desired to introduce. Well, Sir, there are cases in which it may so happen that the political interests of a certain candidate who stands for election from any constituency will not coincide with the political interests of members of a Trade Union, but on other grounds it may be necessary for members of a particular Trade Union to help the election of a candidate from a constituency which is very far away from the headquarters of a Trade Union. In those cases, Sir, I feel that difficulties might arise in the way of Trade Unions contributing to the success of that candidate. Well, Sir, in order to provide for those cases my friend Mr. Joshi wants to make this clause quite clear. If we take a concrete instance, it may happen that members of a Trade Union are not voters in any constituency, and if they are asked to contribute money for the success of a candidate who stands for that constituency of the Legislative Assembly, an interpretation might be put on this clause that members of this Trade Union are not entitled to contribute any money for that election because the political benefit which might accrue to this Trade Union would be much

[Mr. Devaki Prasad Sinha.]

too remote. We know that in England the judiciary has not helped the development of the trade union movement. They have interpreted the statutory law in such a way as to restrict the right of trade unionists and not to expand those rights. The Taff Vale case and other cases are instances of this character (the Osborne case also, my Honourable friend rightly reminds me). For this reason the trade unionists are nervous, and they want to make the law quite clear on this point. I have not heard anything that my Honourable friend Sir Bhupendra Nath Mitra has urged against this amendment. If this amendment is carried, there would not be any harm done to the Trades Unions or to members of a Trade Union. In the furtherance of their political and civic rights they might desire to enlist the sympathy of some Members of the Assembly or of a Council. If they want to do so, it is necessary for them to have in the Legislative Assembly or in the Legislative Council of a Province some Members who will always support their cause and who will help in securing political rights for members of a Trade Union. If this is to be done conveniently, and I may safely presume that the House desires that this should be allowed to be done, then it is the duty of the House to make the position quite clear by accepting my Honourable friend Mr. Joshi's amendment. I therefore hope that in this matter at any rate my reasonable and Honourable friends of the Independent Party will not *en bloc* go against us. Whenever we have moved our amendments we have always been told that our demands are unreasonable. Now, Sir, if my Honourable friends oppose this amendment of my friend Mr. Joshi, we shall be entitled to say that their attitude is not very reasonable towards the Trade Unions. With these words I support the amendment.

***Diwan Bahadur M. Ramachandra Rao:** I should like the Honourable Member in charge of this Bill to explain to me whether the words in clause 16 (1):

"A Trade Union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made for the promotion of the civic and political interests of its members. . . ."

in any way qualify the subsequent clause. I may illustrate it in this way. Supposing in the Presidency of Madras there is a Trade Union in Madras, another in Tinnevely and another in Ganjam. All of them are interested in running a candidate for election to the Legislative Council in Madras. Now I wish to know whether under these sub-clauses (1) and (2) read together it would be open to a member of the Trade Union in Madras to be assisted by the Trade Union in Tinnevely or Ganjam. (The Honourable Sir Bhupendra Nath Mitra: "Why not?") My Honourable friend says "Why not?" I ask him to read sub-clauses (1) and (2) together. Sub-clause (2) runs as follows:

"(a) the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election as a member of any legislative body constituted under the Government of India Act or of any local authority,"

and so on. I should like to know whether this candidate or prospective candidate should be a member of the Trade Union referred to in sub-clause (1). That is a point I should like to know because it seems to me that if you

***Speech not corrected by the Honourable Member.**

said clearly that the candidate or prospective candidate for election may or may not belong to the Trade Union, the matter would be quite clear. Otherwise it seems to me, Sir, that those words "for the promotion of the civic and political interests of its members" may preclude the Trade Union from going to the help of a man who does not belong to that particular Union.

Mr. M. A. Jinnah: How do you make that clear?

Diwan Bahadur M. Ramachandra Rao: By adding those words here.

The Honourable Sir Bhupendra Nath Mitra: Perhaps my Honourable friend Mr Jinnah who was largely instrumental in the drafting of this clause would have helped more to illuminate Diwan Bahadur Ramachandra Rao than I . . .

Diwan Bahadur M. Ramachandra Rao: I would like to get it from whatever quarter it comes.

The Honourable Sir Bhupendra Nath Mitra: But I think I shall be able to satisfy him. So far as sub-clause (2) (c) goes it simply says:

"the maintenance of any person who is a member of any legislative body constituted under the Government of India Act or any local authority."

It does not in any way limit who that person should be, and the amendment before the House does not in any way clarify the position. We then come to the words "for the promotion of the civic and political interests of its members". Now, if the Trade Union at Madras in furtherance of the civic and political interests of its members joins hands with a similar Trade Union, or it may be a dissimilar Trade Union, at Tinnevely or Madura, and conjointly shares the election expenses of that person referred to in sub-clause (2) (c), I do not see what objection there can be to this action under the provisions of the Bill as they now stand.

Mr. Chaman Lal: It seems to me that my Honourable friend Mr. Devaki Prasad Sinha was not very far wrong when he said that the Honourable Member over there and my colleague Mr. Joshi do not differ very substantially on the interpretation put on his particular clause. It seems to me that the clause is wide enough. Although I myself have sent in an amendment on the same lines as my Honourable friend Mr. Joshi, if the interpretation which the Honourable Member puts on that clause is correct, then I have no hesitation in saying I myself would withdraw my own amendment. The interpretation I take it is this, that any Union is entitled to spend money upon the advancement of the objects laid down under clause 16 (2). That does not restrict the Union from spending money only upon its members, but in furtherance of the political and civic objects of its members, which may not certainly coincide with the political and civic objects of the Union itself. The political and civic objects are general, and if that is the interpretation, I have no hesitation in accepting the interpretation put upon this clause by the Honourable Member over there.

Mr. M. A. Jinnah: Sir, I congratulate the luminary on the other side who has at last grasped the meaning of this clause. (*An Honourable Member:* "On the other side?") On this side, I think. But, Sir, no amount of speech either from him or even from the Honourable Member in charge or from anybody else is going to help in any way whatsoever, because we must after all depend upon the words of the Statute; and

[Mr. M. A. Jinnah.]

no man, however strong his opinion may be as to what is the true or correct construction of this clause, will prevail for a single moment in a court of law. Therefore, it is not really a question as to what is the opinion of a particular Member of this House. The question for the House really to consider is whether this clause requires amendment or not. Now, Mr. Joshi's amendment does not carry the case any further. It leaves us where we are; and, as far as I can judge, as far as my opinion goes if it is worth anything, I entirely agree with my learned friend there who happens to belong to the same profession as I do, and, I hope, will attain to the position of a legal luminary very soon. (Mr. T. C. Goswami: "He is already that.") I am not prepared to accept that yet, but I have no doubt that in course of time light will dawn.

Mr. N. M. Joshi: Sir, in view of the discussion, I withdraw the amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. Chaman Lal: Sir, there is an amendment regarding sub-clause (3). It is a very small matter; it is a question of contracting in and contracting out. (An Honourable Member: "A very big matter.") The sub-clause as it stands is as follows:

"No member shall be compelled to contribute to the fund constituted under sub-section (1); and a member who does not contribute to the said fund shall not be excluded from any benefits of the Trade Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Trade Union (except in relation to the control or management of the said fund) by reason of his not contributing to the said fund; and contribution to the said fund shall not be made a condition for admission to the Trade Union."

To this I intend to move an amendment as follows:

"That for the words 'no member shall be compelled to contribute to the fund constituted under sub-section (1)' the following shall be substituted:

'Every member shall have the right to claim exemption from contributing to the fund referred to in sub-section (1) either at the time of his enrolment as a member of the Trade Union or at any time subsequently within one month of the notice requiring him to pay towards such fund.'

The provision in this amendment follows fairly strictly the law on the subject under the Trade Union Act of 1913; and clause 5 of the Trade Union Act of 1913, sub-clause (2), says:

"On giving notice in accordance with this Act of his objection to contribute, a member of the union shall be exempt, so long as his notice is not withdrawn, from contributing to the political fund of the union as from the first day of January next after the notice is given, or, in the case of a notice given within one month after the notice given to members under this section on the adoption of a resolution approving the furtherance of political objects, as from the date on which the member's notice is given."

The difference, Sir, is this, that if the present clause is accepted, then it is not incumbent upon any member to contribute to the political funds of the Union. The Union passes a resolution and it is the Union's business then to collect the money from the members and any member who refuses to pay is not debarred from any of the benefits of the Union; but under the amendment which I am moving it becomes incumbent upon members to pay the contribution and they cannot claim the benefits of the Union unless they comply with that provision, namely, that within one month they give notice of their intention not to contribute to the political fund. The Honourable Member over there will readily see the difficulty in a large Union with a large membership where the executive will

be forced to go to every member and collect the money for the political fund. On the other hand, in practice it has been found under the English Act that it is very much simpler, it is very much cheaper, for the Union to collect their money in this fashion. After all, the question of expense has got to be considered. Imagine a Trade Union sending circular after circular to a hundred thousand members asking them to contribute to the political fund according to the resolution passed by the executive. Every man will know what it is his duty to contribute to the political fund, and if a member does not give due notice of his intention not to contribute to the fund, then he will be liable for all sorts of penalties which are connected with the forfeiture of his membership of the Union. Now, Sir, under these circumstances, I think that the Honourable Member in charge can do no better than follow the practice of the English law on the subject; he can do no better than follow the practice which is adopted by English Trade Unions in this matter. It is a very simple matter. There ought to be no difficulty at all. If you are honest, if you are sincere, about creating political funds for Trade Unions, you should follow the practice which is known in the civilized world, and you should not force upon Indian Trade Unions a practice which has not behind it the sanction of reason or of intelligence or of experience.

The Honourable Sir Bhupendra Nath Mitra: Sir, in spite of the eloquence of my friend, Mr. Chaman Lall, I am afraid I remain unconvinced. As I said before, personally I have not much sympathy for these political funds at the present stage of the formation of Trade Unions. I may be entirely wrong, but I hold, and I hold very strongly, that it would be better for the growth of these Trade Unions, and for the members of the Trade Unions, if in the early stages of the formation of these Unions all the money that was collected were spent on the two objects which for forty years have remained the objects of expenditure of Trade Unions in England, namely, trade purposes and benevolent purposes. However, the matter was fully discussed in Select Committee and some members who took a different view decided by a majority to insert this particular provision in the Bill. I said on Monday that Government were willing to accept the compromise arrived at by the majority of the Select Committee in the matter. Beyond that however I am not prepared to go. Personally, I do not feel that any advantage will accrue to Trade Unions at the present day by the adoption of the amendment of my friend Mr. Chaman Lall. On the other hand, I feel, and I feel very definitely, that a certain amount of harm will be done. Still I am quite willing to adhere to the compromise arrived at in the Select Committee. I cannot go beyond that.

Mr. President: The question is:

"That in sub-clause (3) of clause 16 for the words 'no member shall be compelled to contribute to the fund constituted under sub-section (1)' the following be substituted:

'Every member shall have the right to claim exemption from contributing to the fund referred to in sub-section (1) either at the time of his enrolment as a member of the Trade Union or at any time subsequently within one month of the notice requiring him to pay towards such fund'."

The motion was negatived.

Mr. President: The question is:

"That clause 16 do stand part of the Bill."

Mr. W. S. J. Wilson (Associated Chambers of Commerce: Nominated Non-Official): Sir, I would like to take this opportunity of associating myself

[Mr. W. S. J. Willson.]

with the remarks which recently fell from the Honourable Sir Bhupendra Nath Mitra in regard to this clause 16 as arrived at as a compromise in the Select Committee.

I would like to explain to the House, which is aware that employers offered a certain amount of opposition to this Trade Unions Bill, that one of the reasons for their so doing was that they really feared that there was some grave menace to industrial tranquillity behind this trade union movement. They therefore considered it a positive mistake that this clause should have been admitted in the Bill. They thought that it would have been wiser in the earlier stages of trade unionism that the leaders and the workers should have confined their attention to the working of Trade Unions for pure trade unionist, apart from political, purposes. But, Sir, the pro and con for the inclusion of a political clause was extremely well explained to the House by Mr. Shanmukham Chetty on the original introduction of the Bill. That being so, Sir, I do not propose to level any opposition to this clause as it stands. I would rather rely upon those political leaders who have been responsible for the introduction of this clause to use their influence with the leaders of Trade Unions in order to see that the clause, now it is there, may not be abused.

Clause 16 was added to the Bill.

Mr. President: The question is:

"That clause 17 do stand part of the Bill."

Mr. N. M. Joshi: Sir, I beg to move:

"For clause 17 the following be substituted:

'No two or more persons'

The Honourable Sir Bhupendra Nath Mitra: May I rise to a point of order, Sir? I think you decided that any amendments intended to extend to persons who are not members of registered Trade Unions certain provisions of this Act are out of order. That I understood to be your decision before the House adjourned for lunch. That being so, is Mr. Joshi in order in moving this amendment?

Mr. N. M. Joshi: On the point of order, Sir. I do not know, Sir, what you said

Mr. President: Order, order. The Honourable Member was present in the House when the Chair made these observations.

Mr. N. M. Joshi: I do not know whether you had actually decided about this amendment, but I would like to be heard on this point. My point is this. The principles of this Bill are the registration of Trade Unions and settling the criminal and civil law in trade disputes. Those are the two principles of this Bill. (Mr. A. G. Clow: "No".) There are two clauses about trade disputes, clauses 17 and 18. The other clauses refer to the registration of Trade Unions. I therefore think that there are two main principles of this Bill, to define the criminal and civil law as regards trade disputes and to enable Unions to be registered according to certain rules. That being so, my feeling is that my amendment is quite in order.

The Honourable Sir Alexander Muddiman: I have just one point to submit. I suggest that the scope of a Bill is to be found in its Preamble and the Preamble to the Bill, with your permission, I will read. It runs as follows:

"Whereas it is expedient to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India."

Now, the scope of this law, I submit, is to provide for registration and to provide certain provisions in regard to the Unions which have been registered and an amendment which extends that scope is outside the Preamble. On those grounds I oppose my Honourable friend.

Mr. President: The Honourable Member from Bombay should have used his skill in persuading his colleagues to reject the amendment moved by the Honourable Member in charge of the Bill and then perhaps his case would have been somewhat stronger. The House as well as the Government have already expressed their view that the scope of the Bill is restricted only to registered Trade Unions, and the Chair has no difficulty now in accepting that view. The Chair therefore rules this amendment as well as similar amendments, which are Nos. 35, 36, 37, 39, 40 and 46, as out of order.

Mr. N. M. Joshi: As regards No. 40, I submit I have got two amendments there. One is the omission of the word "registered" and the other is the omission of the words "to which a member of the Trade Union is a party". The latter portion of my amendment is, I think, in order.

Mr. President: The Honourable Member from Bombay is right. The ruling just given applies only to the first part of No. 40.

Mr. N. M. Joshi: I beg to move:

"That in clause 17 after the word 'offence' the words 'except that which is due to breach of contract of service or desertion' be added."

In the printed list there is a little grammatical mistake and I have corrected it in the amendment as I have read it. The object of my amendment is this, that any action as regards certain agreements, such as agreements to break one's contract of service or to induce others to break their contracts of service, should not be brought within the scope of the section in the Indian Penal Code for conspiracy. The object of this clause is that these actions, namely, breach of contract of service and inducing people to break their contracts of service without notice, should not be punished as a criminal conspiracy and the clause says, "unless the agreement is an agreement to commit an offence". Ordinarily, to break one's contract of service even without notice or to induce others to break their contracts of service is not an offence. It is only a civil wrong, but unfortunately in our country there are some Statutes, some laws, in which a breach of contract of service is a criminal offence, such as the Assam Planters and Labour Act.

Mr. A. G. Clow: It does not apply.

Mr. N. M. Joshi: The Act is still there and it is not repealed. There is also the Madras Planters' Labour Act. There are Acts under which certain municipal servants are punished for breaking a contract of service as an offence. This clause will not cover the cases of those who will come

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under those laws. Fortunately for us, the Honourable the Home Member was responsible for repealing much of the legislation which punishes breach of contract of service as an offence. Now, some relics of old laws still remain unfortunately, and in those laws a breach of contract of service is still punished as an offence. I therefore think that it is necessary to give the benefit of this clause even to those people who break their contracts of service. I hope that my amendment will be accepted by the House.

Mr. A. G. Clow (Industries Department: Nominated Official): May I ask the Honourable Member whether he intends to bring within the scope of his amendment the case of seamen who have signed articles of agreement and who subsequently desert? That is an offence of desertion under the Merchant Shipping Act.

Mr. N. M. Joshi: I want to cover every offence for breach of contract of service. I am not asking by this amendment to repeal that legislation at all. If it is an offence according to those sections it will remain an offence. The only thing that I am seeking is to prevent its being made a conspiracy.

Mr. W. S. J. Willson: I am afraid I cannot see my way to support Mr. Joshi's amendment. The point I was going to raise was the one just mentioned by Mr. Clow. It seems to me that so long as Mr. Joshi's amendment includes the word "desertion", it would specifically and directly apply to seamen. The position that you might have a bunch of seamen holding up a ship, say, with a full complement of pilgrims on the way to Jeddah is to my mind unthinkable. I must therefore oppose Mr. Joshi's amendment.

serious objections to it. I will now draw attention to some other objections

The Honourable Sir Bhupendra Nath Mitra: I cannot possibly accept Mr. Joshi's amendment. Mr. Willson has drawn attention to certain The clause will afford immunity from punishment to agreements to commit breaches of contract punishable under certain other special laws relating to public utility services like the Post Office Act. It will also, as Mr. Joshi said, apply to agreements to commit a breach of contract under certain other special Acts. He mentioned for example the Assam Labour Act. But the penal provisions of the Assam Labour Act have already been withdrawn by statutory notifications. The other Act, Act XIII of 1850, will cease to be operative from 1st April next and though it is true that there are certain other special laws covering the same ground in regard to certain special localities in Madras, etc., the exemption contemplated by Mr. Joshi should in my opinion be secured not by a general provision of this class but by the local Legislative Councils amending these particular provisions in the special Act. So far as I am aware the provision which Mr. Joshi wants to introduce does not find a place even in the English law. I cannot possibly accept it.

Mr. President: The question is:

"That in clause 17, after the word 'offence' the words 'except those which are due to breach of contract of service or desertion' be added."

The motion was negatived.

Clause 17 was added to the Bill.

Mr. President The question is:

"That clause 18 be added to the Bill."

Mr. N. M. Joshi: I move my amendment which is part of amendment No. 40, namely:

"That in clause 18, sub-clause (1), the words 'to which a member of the Trade Union is a party' be omitted."

This clause 18 gives certain immunity from the consequences of actions done in connection with a trade dispute. The clause provides that if any officer of a Trade Union or a member thereof commits certain acts which ordinarily would be liable for civil action he will not be liable for civil action under this clause. Now, Sir, the advantage of this clause is given to the members and officers of a registered Trade Union in respect of any act done in contemplation or furtherance of trade disputes to which a member of the Trade Union is a party. What this clause does is this, that in a trade dispute an officer or a member of a Trade Union is not liable under the civil law for certain damages for taking part in that trade dispute. Now, Sir, if this section is to be of use to the working classes and the trade union movement in India, the words 'to which a member of a trade union is a party' must be omitted. If those words remain, only the officers and members of a particular Trade Union involved in a trade dispute can take part in that trade dispute. But I have already explained several times in the discussion of this Bill that it is not enough for any section of the working class people that they should be allowed to do certain things. It is always necessary also that they should receive the help of other workmen. Now in India members of a registered Trade Union may go on strike and their officers may be immune from the consequences of the civil law. But the whole of our labour movement is one movement. Officers of one registered Trade Union may go and help the members and officers of another Trade Union which has gone on strike, and it is absolutely necessary that they should receive the help of the officers and members of other registered Trade Unions. If that is so we must provide for it. These other Trade Unions may not be parties to the dispute but still it is their duty to assist the Union that is involved. In India we have Trade Unions and Provincial Committees of the Trade Union Congress and we have the All-India Trade Union Congress. Some of us are officers of the All-India Trade Union Congress. If one of the registered and affiliated Unions is involved in a strike it is the duty of the officers of the All-India Trade Union Congress to go to their help. But if they do go to their help they will not get the benefit of this immunity, because they are not a party to the dispute.

The Honourable Sir Alexander Muddiman: But will they be registered, because the amendment does not cover that?

Mr. N. M. Joshi: If the amendment requires some modification I do not mind, but my object is quite clear. If you accept my view that it is necessary for the officers and members of other registered Trade Unions who are not a party to a dispute going and assisting the Union involved in the dispute, then you must remove the words "to which a member of the Trade Union is a party". I have already explained, Sir, that in

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India we have an All-India Trade Union Congress and that some of us are officers of that Congress, and in every dispute we are called on to help the Union involved, but if we go there we shall be liable to damages under this clause. It is a very dangerous thing from our point of view, and the position is difficult indeed. I want the Members of this House to understand it clearly. Personally, I am at present the General Secretary of the Trade Union Congress and every time there is a strike they ask for my help. I may not be a member of that registered Trade Union which is involved in the dispute but as the General Secretary of the Trade Union Congress I am asked to help, and, if I go, I am liable to pay damages. Of course I do not mind paying damages because people will not be able to get very much out of me, but the principle is there. I, therefore, think, Sir, that my amendment is a very reasonable one and should be accepted by the House.

Mr. Chaman Lall: Sir, I am in the same difficulty as my friend Mr Joshi. He is the General Secretary of the Trade Union Congress and I happen to be a member of the executive. But the question is not a personal one. The question is really one of principle, and the principle involved is this. We have restricted the scope of the Bill to registered Trade Unions, and I noticed that the Honourable the Home Member raised the objection whether this amendment covered registered Trade Unions or not.

The Honourable Sir Alexander Muddiman: No, no

Mr. Chaman Lall: May I direct his attention to the fact that the wording is perfectly clear:

"No suit or other legal proceeding shall be maintainable in any Civil Court against any registered Trade Union or any officer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute . . ."

All that we are asking is this, that the subsequent words, which restrict this immunity only to the members of the Trade Union involved, should be taken out, namely, "to which a member of the Trade Union is a party". I do not see how the Government can have any objection. We ask merely that the Trade Unions which are registered should be immune from civil liability. Under these circumstances, we are not asking for a general immunity for everybody, much as I would personally advocate it for unregistered Trade Unions or for outsiders. We are simply asking for immunity for registered Trade Unions which have a duty and owe a duty to themselves and to the movement as a whole—a registered Trade Union which is involved in a trade dispute. Now, that, Sir, is not asking too much of the Government, and I do hope that the Government will in a simple matter like this agree with us in holding that, if you are going to give immunity to a Trade Union, you should not restrict that immunity to any one particular class of registered Trade Unions: give it to the whole Trade Union movement as a whole so long as Trade Unions are registered.

Mr. A. G. Glow: Sir, the object of the amendment has, I think, been made sufficiently clear by my Honourable friends, Mr. Joshi and Mr. Chaman Lall. It is really to give this extraordinary immunity which we are conferring on Trade Unions, or rather a certain class of Trade Unions

in respect of acts which they may do to assist strikers if they are in unregistered Trade Unions, or even if they are not in Trade Unions at all. Now that does to my mind enlarge the scope of the clause in a very dangerous manner. So long as an officer or member of a registered Trade Union is acting in connection with a dispute that concerns his own Union, he is bound to have a certain sense of responsibility. He is liable to account to his own executive for the manner in which he spends his funds, for the acts he does; and where that sense of responsibility is present, we think it is safe to confer this immunity, an immunity of an entirely new kind, as far as I am aware, in the Indian law, upon officers and members of a Trade Union.

Mr. N. M. Joshi: The officers or members of registered Trade Unions will get this immunity.

Mr. A. G. Clow: Yes, personally they will get it, but they are not in any way tied by a sense of responsibility to their own executive.

Mr. N. M. Joshi: To their executive, they are.

Mr. A. G. Clow: But their executive is not necessarily responsible for the conduct of that strike. Then there is another point. I am glad to hear that the Trade Union Congress will be a registered Union, and I do hope it will exercise all its influence in the endeavour to get other Unions registered. What we are really trying to do is to build up trade unionism of a responsible kind, Unions that will have their funds audited, Unions that will have responsible executives, and this proposal seems to me to undermine that whole principle. Nor do I think the danger suggested by Mr. Joshi is a very real one. I understand that without any protection at present Mr. Joshi gallantly goes to the rescue of a large number of Unions throughout India or to the rescue of strikers who are in difficulties. I hope he will continue to do so. So far as I know, he has never yet been prosecuted, and I sincerely hope he will never be prosecuted.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I am afraid my Honourable friend Mr. Clow has not understood clearly the significance of the amendment moved by my friend, Mr. Joshi.

I do not agree with my Honourable friend Mr. Clow when he says that the amendment of Mr. Joshi would indiscriminately extend the scope of the immunity granted under the section.

Mr. A. G. Clow: Not indiscriminately, no.

Mr. R. K. Shanmukham Chetty: The amendment of Mr. Joshi will make the right given by the clause more effective. I will give my Honourable friend an example. In my place there are four mills. Suppose the labourers of two mills have joined together and formed themselves into a registered Trade Union, and the labourers of the two other mills have got a separate registered Trade Union. The members belonging to one of the Unions go on strike. Would it be open to the members and officers of the other registered Trade Union to go and help them in the strike. The clause

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as it is drafted would not protect them in such a case. The officers of one registered Trade Union cannot go and help the strikers in another registered Trade Union and get the benefit of clause 18.

Mr. A. G. Clow: Mr. Joshi's amendment goes much beyond that.

Mr. R. K. Shanmukham Chetty: It does not. If it goes much beyond that, will you please suggest a modification. I am sure that my Honourable friend Mr. Clow realises the difficulty created in the clause as it is. At present the members or officers of one registered Trade Union cannot go to the rescue of the members of another registered Trade Union. I am not speaking of unregistered Trade Unions and I do not know how my Honourable friend Mr. Clow will get over the difficulty created by the clause as it is at present.

The Honourable Sir Bhupendra Nath Mitra: I am not sure that I entirely agree with my friend Mr. Chetty. I may be a little dense, not being a lawyer, but I believe that the question which he specifically put was this: There are two registered Trade Unions of workmen in one particular locality. One of these has had some trouble with its employers and there is a trade dispute. Can the officers of the other registered Trade Union go to the assistance of the first Trade Union and still enjoy the immunity? I cannot see anything in the provision as it stands which deprives the officers of the second Trade Union from that immunity. The clause says:

"in furtherance of a trade dispute to which a member of the Trade Union is a party."

(*Mr. Devaki Prasad Sinha:* "The Trade Union") Mr. Joshi, to begin with, inserted a definition of "Workmen" in the definition of "trade dispute". That being so, if the trade dispute is of such a nature that though it directly affects Trade Union No. I it also indirectly affects the interests of Union No. II, I personally see no reason why the provisions of the clause as it stands should not apply to Trade Union No. II.

Mr. Devaki Prasad Sinha: I want to move a further amendment.

Mr. President: I cannot allow any further amendment.

The question is:

"That in clause 18, sub-clause (2), the following words be omitted:

"to which a member of the Trade Union is a party"."

The motion was negatived.

Mr. Devaki Prasad Sinha: With your leave, Sir, and the leave of the House, I wish to move an amendment, which would be like this:

"Instead of the word . . ."

Mr. President: The Chair has already ruled that no further amendment will be allowed at this stage.

Mr. W. S. J. Willson: Sir, it takes but a few words to explain the meaning of my amendment, which is as follows:

"That sub-clause (2) of clause 18 be omitted."

This is not an immunity granted to any individual or corporation, but to Trade Unions and the point for consideration is why should the Trade Union be able to get out of liability? As Trade Unions under this Act will be in their infancy, is it not better to let them acquire a sense of responsibility? I do not think any other words are necessary to explain that amendment.

Mr. Chaman Lal: I see no reason whatsoever for pressing this amendment moved by Mr. Willson. He is asking for the omission of sub-clause (2) of clause 18. He has given us no grounds whatever in the brief speech which he has made. He merely wishes to make a formal protest against it. I take it that the sense of the House is that you are going to give immunity on the most civilised lines to Trade Unions which are registered. If you take away one limb of this clause you do a great injustice to Trade Unions throughout India. Sub-clause (2), of which Mr. Willson wants to deprive the Bill, is merely a replica of the existing law on the subject in Great Britain. I do not see why he should be enamoured of British institutions and not of this particular institution.

Mr. M. A. Jinnah: It is much worse.

Mr. Chaman Lal: As Mr. Jinnah points out, it is much worse. In what way Mr. Jinnah will explain to you (Laughter). As far as I am concerned the Bill would not be worth having if this sub-clause, as amended, were not inserted in clause 18. What does the sub-clause say?

"No suit or other legal proceeding shall be maintainable in any Civil Court against a registered Trade Union in respect of any act done in contemplation or furtherance of a trade dispute by any person acting on behalf of the Trade Union, if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the Trade Union. . . ."

The House will notice that the word "express" does not occur in the British Act of 1906. Probably I have made a mistake, in the New South Wales Act the word "express" does not occur. That is more modern than these provisions. We have tried to copy, as far as I understand it, the provisions of the British Act. (*Some Honourable Members:* "No, no.") But we have thrown the onus on the man himself to prove whether he was aware of the instructions of the executive or not. What we are attempting to do is not to omit this clause but to throw the onus upon the man who sues this particular official for damages to prove that this man has committed something which makes him liable for damages under this Bill. My friend wants the clause to be omitted. It is like cutting the body in two and hanging the upper portion, while throwing the lower to the dogs. In dealing with this particular clause, take the clause as a whole or do not consider the question of immunity which you are granting to Trade Unions in India. The question of immunity is a very important question and if you are going to qualify your statement by giving them immunity only, by halves, that sort of immunity is not worth having. I recommend to the House that the House should pass clause 18 with the amendments that we intend to move.

Pandit Motilal Nehru: Sir, it seems to me that much confusion has been caused in the debate on this Bill by analogies and comparisons with the English Bills and Acts on the subject. As I read sub-clause (2) of clause 18, it seems to me that there is no question of immunity involved in it at all. What that clause lays down is this—and it is a universal proposition

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of law—that you shall not hold a body, the whole body, liable for the offence of an individual member of it, unless it is proved that that individual committed the offence with the connivance or the active support of the general body. That has really nothing whatever to do with any question of immunity at all. What it says is that a Trade Union as a Trade Union shall not be liable for the acts or omissions of its staff unless it is identified in some way or other with that act or omission, and taking it as such I submit that it is an unexceptionable proposition of law.

My only difficulty arises when I come to the latter part of the clause where the onus is thrown upon the Union to prove its innocence, and not on the plaintiff to prove that the whole Union was the guilty party, having permitted the act with knowledge of the circumstances, or having actually instigated it. But that is not the proposition before the House now. There is, I find, a separate amendment to that effect and I will deal with it when we come to it. At present we are on the question whether this clause should be wholly omitted. I submit there is no reason for omitting it, but, as Mr. Chaman Lall put it, there is every reason for improving it.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I do not understand why my friend Mr. Willson wants this clause omitted. There is immunity everywhere. If a district magistrate or police superintendent orders the police to fire while a strike is led by my friend Mr. Chaman Lall, and Mr. Chaman Lall is shot, that district magistrate is immune from trial by the State laws. If a director of companies promotes bogus companies and defalcates, even the law cannot get hold of him. We could not get hold of the Directors of the Alliance Bank. If a Trade Union leader gets some immunity when giving his assistance in a strike, why should we stand against it? Let him have the immunity. The law as it stands of the British Government allows immunity to all executives; why should not the executives of a Trade Union have similar immunity?

Mr. M. A. Jinnah: Sir, I would like to ask Mr. Willson really to withdraw his amendment. The position is this. This clause deals with nothing else than what is the very well known principle of Principal and Agent. It is very elementary to any lawyer; you know that there are certain circumstances under which the principal is liable for the act of his agent. Now this clause therefore is intended to give immunity to the principal unless under certain circumstances the principal can be held liable. Mr. Chaman Lall said it was exactly the same as the English law. I regret to say it is not. He said that I would explain it. The important point involved with regard to the clause between the Government and ourselves on this side is the difference as to the burden of proof. In this clause the burden of proof is thrown on the Union, that is to say, unless the Union proves that it had no knowledge of the act of its officers, or that it did not give instructions to its officers, the presumption would be that the Union is liable. Under the English law the position is quite different, and that principle I am not discussing now. We have already got the amendment tabled and I shall reserve my remarks till that amendment is moved, but I hope Mr. Willson will withdraw his amendment because it is really impossible to accept it.

Mr. President: The question is:

"That sub-clause (f) of clause 18 be omitted."

The motion was negatived.

Mr. N. M. Joshi: Sir, I move:

"That in sub-clause (2) of clause 18 all the words beginning from 'if it is proved' up to the end of the sub-clause be omitted."

Sir, let me tell my friend Mr. Willson that his amendment is lost, but let me tell him that half a loaf is better than no loaf. His amendment was for the omission of the whole clause. I offer him the omission of half the clause. I therefore hope he will support my amendment.

Now, Sir, my amendment is this, that the portion of this sub-clause beginning from 'if it is proved, etc., etc.' should be dropped, and my object is to bring our trade union law as regards this question into line with the English law. I know, Sir, the Honourable Pandit just now said that we need not go into the analogies of English law, but somehow or other I generally admire English law and English institutions, and therefore I always like that our law should be modelled on their laws. Unfortunately, Englishmen in India do not like their laws, but I hope that, when they find that men like me like the English law and English institutions, they will reconsider their position and begin to love their laws, to like their laws and see that other people get similar laws.

This section that was introduced in the English legislation has a long history. The capitalists, or I may call them employers, in England tried to exhaust the funds of Trade Unions by civil litigation. If an officer of a Union did something, a civil suit was filed against the Trade Union and thus the funds of the Trade Union were being exhausted gradually by such litigation. The English legislation was therefore changed to prevent this evil, and the legislation was passed with the consent of all parties in England and it is considered to be very good legislation by the working classes in England; I am quite sure if anybody in England now tries to change the law he will never succeed. Sir, there is a great danger in allowing this latter portion to remain, because, if you hold the Trade Union liable for the actions of its officers, the evil which existed in England will reappear here. The employers will file some civil suits for the acts done by some officers and try to exhaust the funds of the Trade Unions. That is actually what happened in England and therefore the English law was changed, and I say let us not wait to see the evil arise in India and then change the law. If an officer commits some wrong which is punishable by itself, the officer will be punished. If the officer commits a civil wrong, the officer will have to pay the penalty. If he commits an offence which is punishable as a crime, why should the Union itself be made liable for the actions of its officer.

Mr. M. A. Jinnah: The officer may have no money

Mr. N. M. Joshi: Do not file a civil suit then; it is wise not to file a civil suit.

Mr. M. A. Jinnah: But we are talking of civil suits now.

Mr. N. M. Joshi: Sir, this law is considered to be a very good law in England and I therefore think we should have a similar law here; and I appeal to all Englishmen to see that India gets English legislation and not some hybrid legislation. I also appeal to Mr. Willson on the principle that half a loaf is better than no bread.

Mr. President: The Chair may better give a warning that if the Honourable Member from Bombay takes the decision of the House on this

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amendment he runs the risk of his subsequent amendments on the same question being ruled out as being inconsistent with the decision of the House on this amendment.

Mr. N. M. Joshi: Then, Sir, with your permission, I will postpone the consideration of this amendment till the consideration of my second amendment is completed. I request your indulgence. I move amendment No. 44 which is as follows:

“ That in sub-clause (2) of clause 18 for the words beginning from ‘ if it is proved ’ up to the end of the sub-clause the following be substituted :

‘ Unless it is proved that such person acted with the knowledge of, or in accordance with express instructions given by, the executive of the Trade Union ’.”

Sir, I need not make another speech. What my amendment now seeks to do is to throw the burden of proof upon those people who will prosecute. It is a sound principle that if people want to prosecute some Trade Union the burden of proof should be upon the prosecutor and not upon the people who will be prosecuted. This is the ordinary principle of law, and I therefore hope that the House will accept my amendment. If the clause remains as it is it will be putting the Trade Unions in a great difficulty. The clause says that not only must the Trade Union prove that the man acted without the knowledge of the Trade Union but that they must repudiate and publish the repudiation in the papers. This is again a method by which the newspapers must be subsidised by a Trade Union. How is the Union first to know that a man has acted in the particular manner he has? Then, they must pass a Resolution repudiating his action. We know and the Government of India know generally that there are mistakes made by their officers and by members of the Government of India. They certainly do not repudiate the action every time an officer makes a mistake. Suppose they repudiate that action; do they publish it in the papers or in the Gazette that their officer has made a mistake? Generally it is not done for small things; and you are not going so far as to say that if an officer of a Trade Union makes a mistake the Trade Union must repudiate him and must publish that repudiation. Moreover, I do not know what is reasonable publicity. When Government want reasonable publicity they put advertisements in the papers and pay for them; but unfortunately the Trade Unions cannot pay so much money. Therefore, Sir, the latter part of this is absolutely bad and will put the Unions in difficulties. My amendment is one which will modify the clause in a somewhat suitable way.

Pandit Motilal Nehru: Sir, let me first remove the misapprehension from the mind of my friend Mr. Joshi that I asked the House not to follow the English law. What I did ask the House was not to see things with the somewhat narrow vision with which my friend is afflicted by his study of the Trade Union Law. The principle that I asked the House to adopt is a very well known principle of English law. It is, as Mr. Jinnah put it crisply, that no principal is liable for the act of his agent unless that act falls within the purview of the authority of the agent. The clause as it stands is a most extraordinary one. It not only throws the burden of proving its innocence upon the Union and presumes the liability of the Union if no evidence is adduced by it, but imposes most unheard-of obligations upon the Union. The whole body, of which a particular officer is a member, is to be held liable in damages unless and until it proves not only that the act or the omission of the officer which involved

him in damages was without its express knowledge but also takes the earliest possible opportunity to repudiate the act. Who ever heard of any such liability being fixed upon a person who is not the actual doer of the act and not directly responsible for the act or the omission? The Union is only responsible for the act of the member, because it is an act done by the member in furtherance of the objects of the Union. Now, a member may go out of his way to do things which do not fall within the scope of his authority, and even may do things which he was distinctly told not to do. If a case is instituted against the Union, and the Union is put upon its defence, it will have to prove not only that it had no knowledge of the act or the omission complained of, but that it took every possible care to proclaim the fact from the housetops as soon as it suspected what the member had done, and repudiated the act or omission of the man. I submit, Sir, it is a perversion of all principles of law to cast the burden of proof upon the Union in that particular way.

Colonel Sir Henry Stanyon: Sir, I take it that the amendment now before the House is No. 44. With all respect for the opinion just expressed by my Honourable friend Pandit Motilal Nehru, I would suggest to the House that there is no misplacing whatever of onus in the wording of this clause. As my friend Mr. Jinnah put it, the whole clause embodies quite correctly, in my humble opinion, a well established part of the law of principal and agent. This sub-clause deals first of all with an act done—by whom?—not by any person *purporting to act* on behalf of a Trade Union, but on behalf of a person who *is acting*, that is to say, some officer or some executive agent of the Trade Union. Now, who is the best person, the best informant of the authority which a person so acting possesses from the Trade Union? Who is it but the Trade Union? It is a simple rule of the onus of proof that the person best acquainted with the facts is the person who ought to be asked to prove them. If the person who acts is somebody who has nothing whatever to do with the Trade Union, then it is a different matter. But if he is one of the executive officers or agents of the Union, then the public do not know,—they cannot be expected to know,—in each particular act what precise authority such agent has. He is an agent, and his principal is required by this clause to prove whether or not he had authority to do the particular act in question. The moment it is proved that the agent had no authority, there comes in another question. Where an agent does something for his principal which the principal has not authorised him to do, the principal should take the earliest possible opportunity to inform the public accordingly. He might say, "This man is my agent, he does work for me, but he had no authority from me to do this particular act". It is necessary for the protection of the public generally when immunity is being given to a Trade Union that the Trade Union should take all the steps within its power to protect the public from unnecessary loss as a result of that immunity. There is no hardship, and I would strongly suggest to the House not to attempt to tinker with the law of onus of proof. If in each case a Trade Union gives proof of the authority the agent concerned has in general or of the authority he had or did not have in that particular case and further proves that as soon as it obtained knowledge of the unauthorised act it repudiated it, the onus would then shift on to the party seeking to hold the Union liable. I suggest that the House should not tinker with these principles—with the law and rules and practice relating to the onus of proof as carried out by the courts.

Mr. Chaman Lal: Sir, Sir Henry Stanyon has apparently not looked up the law on the subject. I think his legal knowledge has gone into disuse. If he looks up the Taff Vale judgment he will find that the doctrines that he is preaching to us here were the very same doctrines that were preached in the Taff Vale case and that the Government of Great Britain were compelled to repudiate this idea of agency which Sir Henry Stanyon wants to apply to Trade Unions in India. In 1906 the Trade Disputes Act was passed in order to do away with the evils that were brought into existence by the Taff Vale case. The law of agency as applied to Trade Unions does not exist in England. It has been expressly and firmly repudiated. Agents of Trade Unions are not liable as the agents of principals are liable under the ordinary law. That is the principle which applies to Trade Unions to-day in England.

Now, what this Bill wants to do is not only to apply this principle of agency, but to throw the onus of proof upon the man who is charged. It says that it is his duty to prove that he is not guilty,—an unheard of and unthinkable proposition to place before the House. I will read section 3 of the Trade Disputes Act of 1906. It says:

"An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to commit a breach of contract of employment, or that it is an interference with the trade, business or employment of some other person to dispose of his capital or labour as he wills."

Section 4 is even more emphatic. It says:

"An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court."

There, Sir, you have the express provisions of the Trade Disputes Act which lay down the law as regards tortious liability with regard to Trade Unions. The question that we are concerned with here is not about liability but whether the person liable is to prove his own liability or not, whether you are going to throw upon that person the onus of proving his innocence or guilt. That is the question that we are concerned with. It is an unthinkable proposition to lay before the House that the man you are suing is the man who is to prove whether he is liable or not liable. It is for the man who sues him to prove whether he is liable or not.

Now, as far as the law of agency is concerned, this is what the then Attorney General of Great Britain said. The clause in the Government's original Bill conferring partial immunity on trade unions ran as follows:

"Provided that a person shall not be deemed to have acted under the authority of the committee if the act was an act of one of a class of acts expressly prohibited by a resolution of the committee, or the committee by resolution expressly repudiate the act as soon as it is brought to their knowledge."

The Attorney General said:

"We propose to provide that the unions shall not be bound, and their property shall not be bound, by an act unless it be the act of the executive itself—which, I take it, would mean the act of that body by resolution formally passed—or unless it be the act of some person whom they have authorised to bind them by the conduct which is impugned. That is not enough, because it may be said that the principal is liable for the acts of an agent and that the agent is acting within the sphere of his authority, even although he may violate his instructions. We do not propose that that principle of law should apply to these cases."

That is what we are asking you to do. We desire that this particular law should apply to these cases. We are asking you in the alternative in Mr. Joshi's amendment—the wording is perfectly clear—that unless it is proved that such a person acted with the knowledge or in accordance with the express instructions given by the executive of the Trade Union he should not be held liable. In a matter like this there are several things that are necessary for you to prove. One of the things that you have to prove is that he was actually the agent of the executive which you are suing. The second thing that you have to prove is this that he actually acted with their knowledge, and the third thing that you have to prove is this, that he either acted with the knowledge of or under the express instructions given by that executive. We say that it is asking too much of a Trade Union official under the law to prove his own liability. It is for you to prove, not for him to prove. It is for you to prove that he acted as agent of the Trade Union executive and that he was aware of or had knowledge of the Trade Union executive's decision, and not for him to prove that. Nothing could be more just, more equitable, or more in consonance with the principles of equity and justice than this provision that we ask you to incorporate in this clause.

Mr. A. G. Olow: We have heard a good deal about the burden of proof. I think that if the House will reflect over this amendment of Mr. Joshi's and the one which he put before the House at the beginning of his speech, they will see that in substance there is not really very much difference between them. To take this amendment, he says,

“unless it is proved that such person acted with the knowledge of, or in accordance with express instructions given by, the executive of the Trade Union.”

Surely, in that amendment the words “or in accordance with express instructions given by” are superfluous, because if express instructions have been given by the executive the man must have acted with the executive's knowledge. And that knowledge will be a very difficult thing to prove.

However, to come to the clause we are considering, that is clause 18 (2), the Honourable Member who has just sat down referred to Taff Vale case, and any one unfamiliar with the history of this clause or of section 4 of the Trade Disputes Act of 1906 would infer that the latter section was the only possible solution of the difficulty. The Taff Vale case was one of the incidents which led to the appointment of a Royal Commission to consider the question and that Royal Commission, which included, I think, that very learned Judge, Lord Dunedin, and Mr. Sidney Webb, actually framed the clause which we are now asking the House to accept, and they put that forward in 1905 as their solution of the difficulty. Mr. Sidney Webb, I think I am right in saying, supported this clause and regarded it as a reasonable solution of what was an admitted difficulty. Coming to the much wider clause which Mr. Joshi would like the House to adopt, and which, as he correctly informed the House, virtually reproduces the law in England, Mr. Sidney Webb and Mrs. Beatrice Webb who are considered as perhaps the best authorities on trade unionism, and they are certainly sympathetic authorities, described that immunity “as an extraordinary and unlimited immunity, and however great may be the damage caused, however, unwarranted the act, which most lawyers, as well as employers, regard as nothing less than monstrous.”

Mr. T. C. Goswami: You must read it in the particular context. I remember the passage very well. The author points out that very wide immunities were consciously and deliberately given to Trade Unions.

Mr. A. G. Glow: I am perfectly willing to lend my Honourable friend the book from which I am quoting.

Mr. T. C. Goswami: Oh, I remember the passage very well. Read the whole of it.

Mr. A. G. Glow: We are not imposing any new obligation on the Trade Unions. The law of agency will remain the same. A Trade Union will not be liable for the act of its agent if he acts outside the scope of his authority. They can limit that authority by express instructions and if the agent goes outside that scope it will not be necessary for them to repudiate him as in this clause. This clause is really an exception. It goes beyond, and confers an immunity on the Trade Union not enjoyed by other corporations in respect of the acts of their agents; and it is in consequence of that that we ask the Trade Union to subject itself to certain safeguards.

I would remind the House finally that the form in which the clause now stands was accepted practically throughout India by all except those whom I may describe as extremists on either side. Mr. Willson asked you to reject the clause *in toto*. That was opposed by Government as Government are opposing this. The clause was essentially a compromise between opposing views, it was a compromise which commanded the support of the Select Committee and it is a compromise which I ask the House to accept.

Mr. B. K. Shanmukham Chetty: If sub-clause (2) of clause 18 as it is at present drafted simply enunciated the ordinary law of the principal's liability for the acts of his agent, even then it would be a hardship indeed for Trade Unions. My Honourable friend Mr. Chaman Lal pointed out that under the English law the ordinary law of the principal's liability for the acts of his agent does not apply in the case of Trade Unions. But under the clause as it is drafted Trade Unions are made liable not merely for the acts of their agents but for any person who might profess to act as their agent. (Some Honourable Members: "No.") Please read the clause. Under the ordinary law of principal and agent, if any person professes to act as the agent of another person and if the principal simply proves that the other person is not his agent, then he is not liable; but under your clause if any person professes to act as the agent of the Trade Union, it would not simply do for the Trade Union to come and prove that that person was not the agent of the Trade Union. They have to repudiate his act and also give publicity to their repudiation. That I consider is a very serious hardship indeed. The clause as it is drafted goes far beyond the ordinary law of the principal's liability for the acts of his agent and therefore I hope Government will see their way to accept the very reasonable amendment suggested by my friend Mr. Joshi.

Mr. M. A. Jinnah: I have heard the speech of the Honourable Member on the Government Bench who supported this clause and opposed the amendment of Mr. Joshi. Let us see what this sub-clause (2) means. As was pointed out a moment ago, any person means any person, not necessarily an officer, not necessarily a person who is appointed as agent of the Trade Union. It may be anybody in the street acting on behalf of the

Trade Union. Suppose to-morrow I go and do a tortious act in the name of the Trade Union. The clause does not say authorised agent or an appointed agent or a servant of the Trade Union. I am told that it implies that the authority is delegated. Where? In the air? What is there in the clause to show that. See what follows. On the face of it, there is no question here that the person who acts on behalf of the Trade Union must necessarily be a person who is either employed by them or authorised by them. See what the clause says :

"if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the Trade Union."

Look at what follows further on. The executive has got to repudiate. Repudiate what? That somebody acted on their behalf and that he does not represent them and he is an imposter. The clause says the executive has to repudiate such act at the earliest opportunity and by all reasonable means and with reasonable publicity. Now, in England the law is very different. If we were to follow the law of contract we should get perfectly muddled up so far as this Bill is concerned. The law of contract must be excepted. But any person acting on behalf of the Trade Union may commit a tortious act and in order to hold the Trade Union liable for his tortious act you wish to make a provision, for it is said "Well it is no use our suing a man of straw who has committed a tortious act; it is no use filing a suit against him and getting a decree because he has not got anything to pay with; and therefore we will file a suit against the Union who naturally will have some funds against which the decree can be executed." Therefore in England after I suppose careful consideration, they enacted as follows :

"An action against a trade union whether of workmen or masters or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union shall not be entertained by any court."

Now, I here agree with my friend Pandit Motilal Nehru. The English law and English precedents may be very good, but I am not one of those who are ready and willing to follow the English law slavishly. And therefore, although I oppose the first amendment of Mr. Joshi which of course does away with all that completely, I am prepared to support Mr. Joshi in his second amendment, No. 44, namely, that by all means provide that a Union should be held liable for the tortious act of any person acting on behalf of the Union, provided the Union had knowledge or gave express instructions to that man to act. But now the question arises who is to prove that? Now, Sir, if the plaintiff comes into the court and says "Here is Mr. X, he has committed a tortious act—that is proved; he acted on your behalf, namely, he was within the meaning of this clause doing acts in furtherance of a trade dispute and he acted on your behalf; and now you have to prove that you had no knowledge and you never authorised him and unless you prove that the decree must go against you", that I say is really reversing the elementary principle that the claimant must establish his claim and the burden of proof lies upon him. If the claimant wants to get a decree against the Union he must prove against the Union that they had knowledge or gave express authority to the man who in the course of his duty committed a tortious act, and that being the case the Union is responsible for damages to the claimant. That I can understand. Then again we talk about the Contract Act. Now what is the law with regard to principal and agent in matters of contracts? You find in section 237 that, "when

[Mr. M. A. Jinnah.]

an agent has without authority. . . . (Colonel Sir Henry Stanyon: "An agent, not a stranger.") Sir, he is not an agent when he has no authority. If he has no authority he is not an agent. He purports to be an agent but is not. He purports to act as your agent, he has no authority. When an agent has without authority done acts or incurred obligations—(he is not your agent)—to third persons on behalf of the principal, the principal is bound by such acts or obligations if he has by his words or conduct induced such third person to believe that such acts or obligations were within the scope of the agent's authority. Well, now, Sir, let me give you an illustration. Supposing the Secretary of a Trade Union off his own bat goes and commits a tortious act, he has no authority to do so. The Union has no knowledge. According to your present clause the Union will be liable to pay damages,* unless the Union proves that it had no knowledge or had given no authority or further repudiates it at the earliest moment and notifies and publishes such repudiation. Now I say, Sir, that is not fair.

Colonel Sir Henry Stanyon: At the earliest opportunity—not at the earliest moment.

Mr. M. A. Jinnah: It comes to the same thing. I stand corrected, but it is a distinction without a difference. I therefore, Sir, support the amendment of Mr. Joshi, and I hope that the Government will see their way to meet it.

The Honourable Mr. S. R. Das (Law Member): Sir, I am very sorry indeed to have to differ from two such great lawyers as my friends Pandit Motilal Nehru and Mr. Jinnah. I would ask my friends to notice—to begin with—that the clause does not confer any right of suit. The clause itself does not confer any right of suit. What the clause does is this. Whatever right of suit there is, that suit shall not lie by reason of an act of an agent—that suit shall not lie if the conditions therein mentioned are proved—so that the clause does not itself confer any right; and I think, if I may say so with very great respect to my friends, that the error in their argument really lies in not noticing that fact.

Mr. M. A. Jinnah: You mean you cannot file a suit?

The Honourable Mr. S. R. Das: I am pointing out that the clause itself does not confer any right of suit.

Mr. E. K. Shanmukham Chetty: Who said that?

The Honourable Mr. S. R. Das: I did not say that anybody said it; I am pointing out that the clause itself does not confer any right. Therefore the position is this. Under the ordinary law the agent of a Trade Union would be liable. Now a Trade Union would be liable for any act of its agent done within the scope of his authority. That still remains; and in order to make a Trade Union liable under the ordinary law, apart from this clause, the plaintiff would have to prove that the act of the agent was within the scope of his authority. What this clause says is this. Even if it is within the scope of his authority, if he can show, if the Trade Union can show—because that is the ordinary right of suit, so long as it is within the scope of his authority, a suit would lie—what this clause says is this; even if it is within the scope of his authority, provided the Trade Union proves that it was done without the knowledge of the Trade Union, or against the express instructions of the Trade Union, then that suit will not lie against the Trade Union.

Mr. M. A. Jinnah: Will the Honourable Member tell me that any tortious act by an agent can ever be within the scope of the authority of the agent under this Bill? A tortious act?

The Honourable Mr. S. R. Das: Certainly. Why not, if it is within the scope of his authority? Supposing the principal directed the agent to go and commit a trespass, would that be within the scope of his authority or not?

Mr. M. A. Jinnah: Certainly not. Then no question regarding the scope of his authority would arise.

The Honourable Mr. S. R. Das: I am sorry to differ from my friends on that point.

Mr. M. A. Jinnah: My principal might ask me to commit a murder. That is not a question within the doctrine of the agent's scope of authority.

The Honourable Mr. S. R. Das: And the principal would not be liable?

Pandit Motilal Nehru: Your words are "any person".

The Honourable Mr. S. R. Das: This does not confer any right of suit. The right of suit, whatever there is, exists apart from that clause. That clause merely points out that even that right of suit will not exist against the Trade Union if it is proved that the agent acted without its knowledge or against the express instructions of the Trade Union. Now, my friend has pointed out that the words there are "any person acting". There is no right of suit against any person acting unless it is proved that the person acting was the agent of the principal. That, I think, my friends will admit. (*Pandit Motilal Nehru:* "You have no such words here.") I began by saying that this clause does not confer any right of suit. All that this clause says is whatever right of suit there may be against the person acting—and assumes therefore that it would be as against the agent, otherwise there is no right of suit; assuming that there is a right of suit against the agent,—it says that no suit will lie.

Pandit Motilal Nehru: Which assumption itself would be wrong.

The Honourable Mr. S. R. Das: What assumption? That the right of suit lies against the principal?

Pandit Motilal Nehru: There is no question of principal here at all. The words are "any person".

The Honourable Mr. S. R. Das: Perfectly true. There is no right of suit against any person unless he is an agent. When it says that there is no right of suit against any person, it is not permitting a suit against any person, but it says that there is no right of suit against any person acting which is conferred by the ordinary law, that is, as against an agent acting as an agent; that even that right of suit shall not exist if it is proved that the agent acted without the knowledge or against the express instructions of the principal. If I am right as to the interpretation—I may be wrong—if I am right, then it is not a question of putting the onus on the accused person of proving that he is innocent, because you have got to prove first that there is a right of suit against the Trade Union by reason of the fact that the act was the act of the agent of the Trade Union. That he will have to prove. If he succeeds in proving that, then in order to secure this immunity the Trade Union will have to prove that the agent acted without the knowledge of the Trade Union or against its express instructions and that the Trade Union repudiated that act.

Mr. B. K. Shanmukham Chetty: Does my Honourable friend concede, Sir, that the clause as at present provided is more stringent than the ordinary law of principal and agent?

The Honourable Mr. S. R. Das: I am afraid I have not been clear. That is exactly what I am trying to show it is not. It limits the liability because under the ordinary law, if I am right, all that the plaintiff would have to show is that he acted as the agent of the principal. This clause limits that liability. Even if he was the agent of the principal, even then, if the principal can show that the agent acted without his knowledge with regard to that particular act or against the express instructions of the principal, the principal would not be liable. It is really restricting the liability, if my interpretation is correct. Now. . . .

Pandit Motilal Nehru: May I ask a question, Sir?

Mr. President: If the Honourable Member gives way.

Pandit Motilal Nehru: Does the Honourable Member mean that this clause only gives an additional defence to the Union and does not take away its rights to put the plaintiff to proof? If so, why not make it clear? You are importing many words into the sections which are not there.

The Honourable Mr. S. R. Das: That is how I read it. If you suggest anything that will make it clearer, I have no doubt that Government will accept it. That seems to me to be fairly clear. I may be wrong. So far as the English law is concerned, that I admit gives absolute immunity against an act of an agent; the ordinary suit that you are entitled to bring against a principal for an act of an agent, under section 4 of the Trades Disputes Act. You cannot bring that

Pandit Motilal Nehru: Will you be willing to substitute the words "duly authorised agent" for the words "any person"?

The Honourable Mr. S. R. Das: I do not think there will be any objection to that at all. Certainly not. I am not in a position in this House to say that I will accept it, but I have no doubt that the Member in charge will accept it without any difficulty. That certainly is the intention.

Mr. M. A. Jinnah: May I ask how that will be consistent? If you use the words "duly authorized agent" how can you say "if it is proved that such person acted without the knowledge, etc."?

The Honourable Mr. S. R. Das: That is what we are saying. Even if he is a duly authorized agent, the Trade Union will be entitled to show that in respect of a particular act, the agent acted without its knowledge. That is certainly the intention. Government would be perfectly willing to accept those words. So far as section 4 of the Trades Disputes Act is concerned, that gives absolute immunity, but the Government are not prepared at this stage to go so far as that. As Mr. Joshi and Mr. Chaman Lal know, that followed the decision in the Tuff Vale case and it was really political considerations that got the immunity.

Pandit Madan Mohan Malaviya: Will it make the matter clearer if instead of saying "any person acting on behalf of a Trade Union" we said "an agent of a Trade Union"?

Mr. President: Will the Honourable Member move that as an amendment?

Pandit Madan Mohan Malaviya: I am suggesting a possible solution. If you say "duly authorized" it will clash with the clause that follows: "if it is proved that such person acted without the knowledge, etc." If you put in the words I suggest, namely, "an agent of a Trade Union" it does not clash with the clause following.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I wish to suggest a slight improvement which I think may be acceptable to the Government, and it is this, that by a slight alteration in the language, as the Honourable Mr. Das has pointed out, the intention of this clause, namely, "any person acting on behalf of the Trade Union" might more clearly include what was intended to comprise and limit the liability to a person who was an agent, a duly authorized agent. Suppose we read this clause in this way, "by an agent acting on behalf of the Trade Union", taking out the words "any person". If the Government accept that suggestion of mine it will certainly obviate a number of difficulties which the present draft of clause 2 presents. At the same time I cannot support the Honourable Mr. Joshi's amendment on the following grounds. Mr. Joshi's amendment states that the Trade Union will not be liable unless it is proved that the person had acted with the knowledge of or in accordance with the express intentions given by the executive of the Trade Union. Apart from the onus which raises a vital issue, I ask the Honourable Mr. Joshi a question. Supposing that the Trade Union did not give instructions and had no knowledge and the agent's act was afterwards adopted and ratified and confirmed by the Trade Union, would or would not the Trade Union be liable? It is a well known principle of law that he who adopts and ratifies the act of an agent stands in the same degree of complicity as one who had aided and abetted him in the commission of a tortious act.

Suppose, Sir, an agent goes and sets fire to a house and brings all the goods and deposits them in the warehouse of the Union. The Trade Union says, "I did not authorise you to do that; I had no knowledge of it; but now that you have brought the goods, I will use them". Well, I ask, Sir, what will be the meaning of the clause if the Honourable Mr. Joshi's amendment is carried and the Government clause is defeated? But in opposing Mr. Joshi's clause I do not necessarily lend my vote to the Government clause, because I find that it is equally faulty and I shall state my reasons for it. My learned friend the Honourable the Law Member says that this clause does not confer any right of action. It is perfectly true; it does not expressly confer any right of action. But it recognises the right of action and it exempts certain persons from enforcing that right of action. In so far as it recognises a right of action it supports the view that if the case of a person is not brought within the exceptions stated in clause 2, he would otherwise have that right of action. So far, therefore, I submit it countenances the right of action except in the cases provided. But if that were all, it would be one objection, but by no means an insuperable one. I now pass on to the other objection which exists to the Government clause. It is this. It is provided in this clause that in the case of any person acting on behalf of a Trade Union no suit shall lie against him if it is proved that such person acted with the knowledge of or with the concretely expressed instructions given by the executive of the

[Sir Hari Singh Gour.]

Trade Union. Now, Sir, I have pointed out the objections to the Honourable Mr. Joshi's amendment and those objections I submit equally apply to the Government draft. What becomes of the *post facto* ratification and adoption by the Trade Union of the action of their agent or the person acting on their behalf? The fact of the matter is, Sir, that the whole law of agency and the rights and the limits of the agent's liability have been tried to be condensed within the narrow compass of three or four lines, and the result is that these three or four lines do not satisfy either the draftsmen who are responsible for the original clause, or the Honourable Members on the opposite Bench who would restrict the operation of that clause to nefarious and illegal acts to be proved by the person complaining of them. I therefore suggest, Sir, that the Government should take counsel with themselves and redraft the clause on the lines I have indicated.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 28th January, 1926.

LEGISLATIVE ASSEMBLY.

Thursday, 28th January, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

RECOVERIES FROM THE BRITISH TREASURY ON ACCOUNT OF DRAWINGS BY THE IRAQ ADMINISTRATION ON INDIA, ETC.

342. ***Mr. B. Venkatapatiraju:** (a) Will the Government be pleased to state whether the Indian Exchequer received from the British Exchequer the £1,700,000 mentioned in the explanatory memorandum by the Financial Secretary on the Budget of the Government of India 1925-26 regarding recoveries on account of drawing by the Iraq administration on India, and whether any additional amount is still due on that account?

(b) Has the attention of the Government been drawn to the complaints in London by the Public Accounts Committee taking exception in their report to two payments to the Government of India, the first being one of £2,801 being half the cost of the passages by the Indian Marine steamer for the High Commissioner of Iraq in 1920 and the second £47,838 being the expenses of a mission to the Sultan of Nezd in 1917-18 and stating that these refer to expenditure incurred by the Government of India and the saddling of the British Government with a moiety of it?

(c) Will the Government be pleased to state why India should pay even a moiety of the expenditure for the journey of the High Commissioner of Iraq and for negotiations with the Sultan of Nezd and whether it was not incurred wholly for Imperial purposes and in pursuance of Imperial policy?

The Honourable Sir Basil Blackett: (a) Recoveries are made in England from month to month as disbursements are made in India. The amount in question does not relate to any old outstandings but merely represents one of the methods in which remittances are made to London for purposes of the Government of India's expenditure there.

(b) and (c). The Government have seen the Report of the Public Accounts Committee referred to. It does not bear out the suggestion in the question that the Government of India bore a moiety of either of the two items of £47,838 and £2,801 respectively. Payments on this account were initially made by the Government of India on behalf of His Majesty's Government, and the amounts disbursed have since been recovered in full.

WAR CLAIMS UNDER DISCUSSION BETWEEN HIS MAJESTY'S GOVERNMENT AND INDIA.

348. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether there were any outstanding unadjusted balances between England and India on the 31st March 1925, and, if so, what was the amount due from England to India and whether any interest will be paid by England on final adjustments?

The Honourable Sir Basil Blackett: I assume that the Honourable Member refers in question No. 848 to the war claims under discussion between His Majesty's Government and India. Negotiations are still in progress and I hope that a conclusion satisfactory to India will shortly be reached; I am not yet in a position to make any further statement.

FUNERAL EXPENSES OF THE LATE EX-QUEEN SUPAYALAT OF BURMA.

844. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether the amount of Rs. 20,000 sanctioned for the funeral expenses of late ex-Queen Supayalat of Burma was paid by the Central Government?

Why should Rs. 5,000 in excess of the amount sanctioned for the funeral of the late ex-King Thibaw be spent on this occasion?

Will the Government be pleased to state what was the monthly allowance paid to the late ex-Queen Supayalat?

Sir Denys Bray: 1. Yes, Sir.

2. Because the funeral of the ex-Queen took place at Rangoon, where a more elaborate ceremonial in accordance with Burmese traditions was expected by local public opinion and was actually practicable than at Ratnagiri, where very few Burmans could be present to take part in the funeral of the late ex-King Thibaw.

3. Rupees 2,500.

STANDARD MINIMUM WAGES FOR INDIAN LABOURERS IN CEYLON, THE MALAY STATES, FIJI AND BRITISH GUIANA.

845. ***Mr. B. Venkatapatiraju:** (a) Will the Government be pleased to state whether a legal minimum wage was fixed for Indian labourers in Ceylon, the Malay States, Fiji and British Guiana, and, if so, what are the respective amounts fixed in the several places?

(b) Will the Government be pleased to state whether the minimum wage fixed eliminates extra profit of industry which arises from oppression of the workman?

Mr. J. W. Bhore: (a) A legal standard wage has as yet been fixed only in the districts of Klang, Kuala Selangor and Kuala Langat of the State of Selangor in the Federated Malay States, the rates fixed being 40 dollar cents. for male labourers and 30 dollar cents. for female labourers. The question of fixing a suitable standard wage for Indian labourers throughout Ceylon and Malaya, to which Colonies alone emigration of unskilled labour is at present lawful under the provisions of the Indian Emigration Act, is under consideration. As regards Fiji and British Guiana, the reply is in the negative.

(b) The standard wage for the Klang, Kuala Selangor and Kuala Langat districts referred to above has been fixed by the Government of the Federated Malay States and the Government of India are not in a position to say to what extent it affects the profits derived by the employers of Indian labour. The question of the adequacy of the rates fixed, however, is being considered along with the general question of fixing standard wages for Indian labourers in Malaya.

ORDER PASSED ON THE RECOMMENDATIONS OF THE FIJI DEPUTATION.

846. ***Mr. B. Venkatapatiraju**: Will the Government be pleased to place on the table the final orders of the Government on the recommendations unanimously made by the Indian Deputation to Fiji in 1922?

Mr. J. W. Bhore: As indicated in my reply to part (d) of Mr. Gaya Prasad Singh's question, regarding Indians in Fiji, the Colonies Committee of the Government of India made representations in regard to the more important recommendations of the Fiji Deputation to the Secretary of State for the Colonies and these are still the subject of discussion. Pending the conclusions of the negotiations, no final orders can be passed by Government on the recommendations contained in the Deputation's Report.

Mr. Gaya Prasad Singh: How can the Government justify the expenditure of the ratepayers' money over a deputation whose report they want to suppress?

Mr. J. W. Bhore: My Honourable friend is quite wrong in suggesting that we wish to suppress anything. He does the deputation less than justice when he suggests that their report has not been of the utmost value to the Government of India in enabling them to carry on negotiations with the Colonial Office.

Mr. A. Rangaswami Iyengar: May I know if it will be possible for the Government to pass final orders during the lifetime of either of the members of the deputation?

EMIGRATION OF INDIAN LABOURERS FROM FIJI TO THE TAHITI ISLANDS.

347. ***Mr. B. Venkatapatiraju**: (a) Will the Government be pleased to state whether the Government of India have any objection to send 8,000 Indian labourers from Fiji to the Tahiti Islands as requested by the President of the Chamber of Agriculture in Tahiti?

(b) If so, are the Government of India prepared to enter into negotiations with the French Government so as to afford facilities to Indian labourers in Fiji to earn a decent livelihood elsewhere?

Mr. J. W. Bhore: (a) and (b). Proposals for the emigration of Indian labourers from Fiji to Tahiti have not been placed before the Government of India, and they are not prepared to commit themselves to initiating negotiations on the subject without more information than they at present possess.

TOTAL INCREASE OF INCOME IN THE ACTUALS OF 1924-25.

348. ***Mr. K. Rama Aiyangar**: (a) Will the Government be pleased to state what has been the total increase of income in the actuals of 1924-25 as against the revised budget estimates?

(b) Will they be pleased to state how much the actual expenditure for 1924-25 is less than the revised budget under (1) 'Capital' and (2) 'Revenue Expenditure' of each department of Administration as follows:

1. Military,	4. Customs,	7. Currency,
2. Railway,	5. Income-tax,	8. Reduction and avoidance of debt,
3. Posts and Telegraphs,	6. Salt,	9. General Administration,
and other Departments?		

MILITARY AND RAILWAY EXPENDITURE.

849. *Mr. K. Rama Aiyangar: (a) Will the Government be pleased to state in a tabular form the difference between the revised estimate of 1924-25 under each sub-head of the various items of military expenditure and the actuals of the same year as shown below?

Herd	1924-25.					
	REVISED ESTIMATE.			ACTUALS.		
	Gross expenditure.	Receipts.	Net expenditure.	Gross expenditure.	Receipts.	Net expenditure.
<i>Part A.—Standing Army—</i>						
1. Maintenance of the Standing Army.						
2. Cost of education, etc., establishments and working expenses of Hospitals and Depots, etc.						
3. Army Headquarters staff of commands, etc.						
4. Stock account						
5. Special services						
6. Miscellaneous charges and receipts.						
7. Non-effective charges						
Total Part A.—Standing Army						
<i>Part B.—Auxiliary and Territorial forces.</i>						
<i>Part C.—Royal Air Force</i>						
GRAND TOTAL						

(b) Will the Government be pleased to give similar comparative figures showing the revised estimate and the actuals of 1924-25 for the various sub-heads of expenditure of railway expenditure?

The Honourable Sir Basil Blackett: I will answer questions Nos. 848 and 849 together. The actuals for 1924-25, will be available in the Finance and Revenue Accounts for that year and will, as usual, be incorporated in the Budget statements which will be presented to the House in due course.

RETRENCHMENTS IN THE POSTS AND TELEGRAPHS.

850. *Mr. K. Rama Aiyangar: Will the Government be pleased to state if any action has been taken on the Report of the Ryan Committee on retrenchment in the Post and Telegraph Department? If so, what steps have been taken and what retrenchment has been effected?

The Honourable Sir Bhupendra Nath Mitra: A statement showing the action taken to date on the report of the Ryan Committee is laid on the table. It will be seen that definite decisions have not yet been reached on the major recommendations of the Committee from which substantial

economies might be derived eventually. I would also make it clear that the desirability of ensuring that the interests of the existing staff shall be duly safeguarded is a complicating factor in arriving at a final decision and must in any case tend to retard the realisation of the economies anticipated.

Item No.	Paragraphs of report.	Brief summary of recommendation.	Brief summary of action taken.
		<i>Control of Telegraph Traffic Branch.</i>	
1	26	The present administrative arrangements whereby the telegraph traffic branch is under the control of Postmasters-General should not be disturbed.	The Government of India have accepted the Committee's conclusions.
		<i>Control and Supervision of Post Offices.</i>	
2	41-47	(1) The present system of control and supervision over post offices should continue. Under this system first class Postmasters control and supervise head offices and the town sub and branch offices subordinate thereto quite independently of the local postal superintendents whose supervision and control extends over all other post offices within their respective divisions. The system followed in the British Post Office of exercising such control and supervision through postmaster-surveyors was tried experimentally in the Poona Division and proved a failure. (2) The Postal superintendents should devote more time to inspection; the increase in the numbers of frauds and losses during the last few years has been attributed very largely to the curtailment of their activities in this respect. The slight saving in travelling allowances resulting from such curtailment cannot be regarded as a true economy as it leads to the growth of irregularities and general inefficiency. Each inspection of an office should be followed at a reasonable interval by a second visit to enable the superintendent to ascertain whether the defects pointed out in his original inspection have been removed or not. (3) The existing divisional boundaries should be reconsidered with a view to enlarging the areas of divisions and so reducing the number of superintendents.	(1) The Government of India have accepted the Committee's conclusions. (2) The Government of India agree with the Committee that postal superintendents should be encouraged to tour their divisions as much as possible and the budget grants for travelling allowances are being increased to this end. The Director-General, Posts and Telegraphs, has issued orders in accordance with the Committee's recommendation on this subject. (3) The matter is under consideration by the Government of India.
		<i>Local Audit.</i>	
3	48	The question of introducing a scheme of local audit of post offices which is under consideration by the Accountant-General, Posts and Telegraphs, should be pursued.	A scheme of local inspection by accounts officers is at present undergoing trial in certain selected localities.
		<i>Reorganisation of the Railway Mail Service.</i>	
4	54-63	The present organisation of the Railway Mail Service in three circles having headquarters at Calcutta, Poona, and Ambala, respectively, each under a Deputy Postmaster-General should be abandoned as the consequent isolation of this service from the remainder of the postal department results in serious administrative difficulties as well as in unnecessary expenditure. The Railway Mail Service should be placed under the control of the Postmasters-General having their headquarters at the headquarters of the more important railway administrations. These Postmasters-General would exercise jurisdiction over all railway mail service work on the railway systems administered from their respective headquarters. This innovation would lead to substantial economies in staff and establishment charges while at the same time enhancing the efficiency and contentment of the service. The Committee suggest that the scheme should be introduced gradually and that a start might be made in the Madras Postal Circle as a tentative measure.	The matter is under consideration by the Government of India.

Item No.	Paragraphs report	Brief summary of recommendation.	Brief summary of action taken.
		<i>Alteration in the status of R. M. S. sorters.</i>	
5	64-70	The bulk of the sorting work in the Railway Mail Service is not of such a nature as to justify the employment thereon of men of the clerical class as at present. Most of it could be done quite efficiently by men of the postman class on much lower rates of pay. The experiment of substituting sorting postmen for sorting clerks should be tried on a sufficiently large scale to enable the success or failure of the scheme to be properly tested.	The matter is under consideration by the Government of India.
		<i>Re-organisation of Director-General's Office.</i>	
6	74-83	(1) Separate sections should be formed in the Director-General's office to deal exclusively with questions of establishment and budget and accounts. At present there is a serious lack of co-ordination in dealing with matters relating to recruitment, postings, promotions, leave, pay, pension, and appeals, and to ensure that such questions are examined by those possessing the requisite knowledge and experience and also to secure uniformity, it is essential that they should all be dealt with in one section. For similar reasons the formation of a separate budget section is advocated. The constitution of these new sections should involve merely a rearrangement of existing staff and establishments without extra expense. (2) The question of abolishing the appointment of Controller of Telegraph Traffic should be considered. At present the incumbent of this office in no sense 'controls traffic' but merely acts as a touching officer and general assistant to the Deputy Director-General. Traffic. The latter will be relieved of a considerable amount of work when the scheme for the formation of a separate establishment section matures. The question of whether it would be possible for the holder of the appointment of Controller of Telegraph Traffic to exercise the functions implied by the name should however, first be investigated.	(1) The Government of India generally approve the Committee's recommendations and the details of a scheme necessary to give effect to them are being worked out. (2) The Government of India are not prepared at present to accept the Committee's recommendation on this point but the question is being further considered as part of the more general one relating to the reorganisation of the Director-General's Office as a whole (see item 6).
		<i>Combination of Post and Telegraph Offices.</i>	
7	86-97	(1) Departmental telegraph offices should as far as possible be abolished and replaced by combined offices. The latter are much more economical owing to the fact that postal clerks trained in telegraph signalling draw lower rates of pay than regular telegraphists. The combination of post and telegraph offices tends to other obvious economies also. Separate departmental telegraph offices should only be maintained in cases in which for technical or other reasons the work could not be efficiently performed by the postal staff.	(1) The Government of India accept the Committee's recommendations and have instructed the Director-General of Posts and Telegraphs to take action accordingly. Owing to the existence of a surplus in the number of telegraphists, the process of combination of offices in pursuance of this policy is likely to be held up to some extent for a year or two.
	94	(2) When the maintenance of a departmental telegraph office is necessitated purely for military or political reasons, any extra expense thereby thrown on the Post and Telegraph Department should be recovered from the department on whose behalf the separate office is retained.	(2) This question is under consideration.
		<i>Recruitment for General and Station Services.</i>	
8	98-110	Recruitment of telegraphists should be co-ordinated as to bring the strength of general service men down to an equality with the strength of station service men as soon as possible. The latter class are much less expensive than the former and equally efficient. At present the accepted proposition between the strength of the two classes is 4 general service to 1 station service telegraphist. The former class are liable to transfer but it is not necessary to have such a pre-dominance of transferable men. Moreover as the combination of post and telegraph offices proceeds the necessity for transfers will be largely diminished.	The question is under consideration by the Government of India.

Item No.	Paragraphs report.	Brief summary of recommendation.	Brief summary of action taken.
		<i>Employment of telegraphists on non-operative duties.</i>	
9	111-118	The employment of 54 non-operative telegraphists for every 100 operators which is allowed at present is not justifiable under existing conditions and the former number should be reduced to 18 by substituting ordinary clerks for such of these men as are employed on non-technical duties.	The Government of India generally accept the Committee's recommendations but until the surplus number of telegraphists has been absorbed no definite action can be taken in the matter.
		<i>Standard of output for telegraphists.</i>	
20	110-121	In view of the introduction of the Rail-dot system of signalling the existing basis on which the permissible strength of signallers is calculated should be revised. At present 47,000 signalling operations annually for each operator is the standard, this number should be raised to 47,000 in the case of large offices.	The Government of India have accepted a standard of 45,000 signalling operations annually for each operator.
		<i>The Zone Systems.</i>	
11	127-131	The location of depots or zone centres for the collection and distribution of traffic should be carefully studied and systematically developed so as to ensure the handling of traffic by the most economical and efficient methods.	The Government of India agree with the Committee and have instructed the Director-General of Posts and Telegraphs to submit to them an annual report showing the progress made in developing the zone system on the lines indicated by the Committee.
		<i>Telephone System.</i>	
22	132-138	<p>(1) With a view to effecting economy in the telephone administration a lower scale of pay should be fixed for employees in the smaller and less expensive stations. Steps have already been taken in this direction and they should be persisted in as far as is consistent with efficient working.</p> <p>(2) In cases in which the public demand does not necessitate a 24-hours service the cost of any extra operative staff employed on maintaining such a service in order to meet the requirements of the civil administration should be recovered from that administration.</p> <p>(3) No extension of small Government exchanges existing in places where larger exchanges worked by private companies exist should be permitted.</p>	<p>(1) Action is being taken in accordance with the Committee's recommendation.</p> <p>(2) The matter is under consideration.</p> <p>(3) The Government of India generally accept the policy recommended by the Committee.</p>
		<i>Absenteeism.</i>	
33	139-146	The existing leave rules are far more generous than those granted by any commercial undertaking with the result that the working expenses of the P. and T. Department are burdened with the cost of an abnormally large leave reserve. The possibility of formulating a set of leave rules on a standard more nearly approximating to ordinary commercial practice, as has been done on the railways, should be considered.	The matter is under consideration by the Government of India.
		<i>Press Telegrams.</i>	
24	149-154	The rates for press telegrams are much below those for private messages and the feasibility of raising the rates for press messages with the object of improving the returns of the department should be considered.	The question of enhancing the rates for press telegrams has been considered by the Government of India and it has been decided to make no change for the present. It was ascertained that the British Post Office concessions in the matter of press telegrams are, when compared with the public tariff, practically equivalent to the Indian concessions.

Item No.	Paragraphs of report.	Brief summary of recommendations.	Brief summary of action taken.
15	165-168	<p align="center"><i>Repairs and maintenance of buildings.</i></p> <p>(1) In order to avoid as far as possible the heavy overhead charges levied by provincial Public Works Departments on work carried out by them for the Post and Telegraph Department the telegraph engineering establishment should undertake or supervise ordinary annual repairs, whitewashing, etc., to posts and telegraph buildings.</p> <p>(2) The headquarters administration of the buildings branch should be entrusted to the Chief Engineer instead of to the Deputy Director-General of the Post Office as at present.</p>	<p>(1) The Government of India have accepted the Committee's recommendation and the new arrangements will be introduced with effect from the 1st April 1926.</p> <p>(2) The matter is under consideration as forming a part of the larger question of the reorganisation of the Director-General's Office as a whole (see item 6).</p>
16	100	<p align="center"><i>Minor suggestions.</i></p> <p>(a) Demurrage charges should be levied on V P P parcels retained at post offices for more than 48 hours.</p> <p>(b) The charge for insurance of letters and parcels should be raised.</p> <p>(c) The charge of Re 1 per mensem for post box facilities should be enhanced. Fees should also be levied for special sorting of foreign mail for particular addresses and for window delivery.</p> <p>(d) The minimum limits at present imposed on (1) the amount of single deposits, (2) the total deposit during any one year, and (3) the total amount that any depositor may have at call at any time, in the Post Office Savings Bank, should be raised. In particular (1) should be raised from four annas to one rupee.</p> <p>(e) Sorting in travelling sections—particularly in the case of parcels—should be reduced as far as possible with the object of saving baggage and other railway charges.</p> <p>(f) While not recommending the substitution of horse-drawn transport for motor transport as a general policy in regard to the conveyance of mails there may be special cases in which the reduction of motor services would prove desirable and consistent with efficiency.</p> <p>(g) The expenditure on bags used for the transport of postal matters is very heavy. Constant and vigilant supervision is necessary over the accounting, disposal, and repair arrangements in respect of these bags.</p> <p>(h) The list of officials whose personal correspondence is specially sorted out on receipt of the foreign inward mail should be reviewed and curtailed.</p> <p>(i) The possibility of reducing expenditure on post office furniture by standardising such equipment should be considered.</p> <p>(j) The possibility of effecting a saving in stationary by dispensing with the envelope at present used for telegrams should be considered.</p>	<p>(a) The matter is under consideration by the Government of India.</p> <p>(b) The matter is under consideration by the Government of India.</p> <p>(c) The matter is under consideration by the Government of India.</p> <p>(d) The Government of India are opposed to the raising of the limits as suggested by the Committee except in the case of the maximum deposit that can be held at call in an account opened on behalf of a minor. The question of raising this limit above Rs 1,000 is under consideration.</p> <p>(e) This is already being done as far as possible.</p> <p>(f) Departmental instructions have been issued to ensure that the cheapest form of transport consistent with reasonable efficiency is resorted to in each case.</p> <p>(g) The question is under investigation.</p> <p>(h) The Government of India do not consider that the curtailment of the list in question would secure any saving or appreciable reduction of work and as it would probably on the other hand mean a certain amount of inconvenience they do not propose to consider the matter.</p> <p>(i) This question is under investigation.</p> <p>(j) The suggestion is under consideration.</p>

Item No.	Paragraphs of report.	Brief summary of recommendation.	Brief summary of action taken.
		<p><i>Minor suggestions—contd.</i></p> <p>(2) The rentals recoverable for telegraph lines leased to railway and canal administrations should be reviewed in the light of the commercialised system of accounting and revised if necessary.</p> <p>(i) An officer should be specially deputed to examine the possibilities of economy in regard to contingent expenditure, and consumption of forms and stationery.</p> <p>(m) The question of charging for special postal and telegraphic facilities granted to certain high officials should be considered.</p> <p>(n) The cost of the special staff employed in Rangoon on the examination of parcels for contraband articles should be recovered from the excise authorities.</p> <p>(o) The possibility of securing economies by combining postal and telegraph stock depots at places where both exist should be examined.</p>	<p>(4) Action is being taken as suggested by the Committee.</p> <p>(7) The matter is under consideration.</p> <p>(m) The matter is under consideration.</p> <p>(n) The matter is under consideration.</p> <p>(o) The matter is under consideration.</p>

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the recent dispute between the Anglo-Indian telegraph staff and the Government is the cause of the delay in passing final orders in this matter?

The Honourable Sir Bhupendra Nath Mitra: No, Sir.

DISESTABLISHMENT OF THE CHURCH OF ENGLAND IN INDIA.

351. ***Mr. K. Rama Aiyangar:** (a) Will the Government be pleased to state what arrangements have been made for the disestablishment of the Church of England in India?

(b) Is it true that pressure is being brought on them from the United Kingdom for a special service of chaplains for the army for British troops?

(c) Will the Government be pleased to state clearly the financial effects of the proposal in (a) and in (b)?

The Honourable Sir Charles Innes: (a) The Government of India are now in correspondence with the Secretary of State for India, regarding a proposal for the severance of the legal union between the Church of England and the Church of England in India. No decision has yet been arrived at in the matter.

(b) No.

(c) Does not arise.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the Government will be prepared to allow this matter to be discussed in this House?

The Honourable Sir Charles Innes: That is not our intention, Sir.

Mr. Chaman Lal: May I ask, Sir, what the severance will involve?

The Honourable Sir Charles Innes: That, Sir, is rather a difficult point and I would rather not try to answer it within the limits of an answer to this question.

Mr. A. Rangaswami Iyengar: Does not the Honourable Member think the question of disestablishment of immense importance to the interests of this country?

The Honourable Sir Charles Innes: I rather take the view that it is a matter of great importance to the Church of England in India.

†852.

INCOME-TAX RECEIPTS FROM THE VARIOUS PROVINCES.

353. ***Mr. K. Rama Aiyangar:** (a) Will the Government be pleased to give the monthly income-tax receipts from the various provinces up to the end of the calendar year?

(b) Will the Government place on the table any report that they have received on the subject of the effects of the protracted state of the textile industry in Bombay on income-tax receipts of Government from the Income-tax Department, Bombay?

The Honourable Sir Basil Blackett: (a) A statement is laid on the table.

(b) No such special report has been made.

Statement showing the net monthly income-tax receipts from the various Provinces from April 1925 to November, 1925.

	India and Bengal (including Baluchistan and Stores Department but excluding non-Civil Departments).	North-West Frontier these.	Madras (including Coorg).	Bombay.	United Provinces.	Punjab.	Burma.	Bihar and Orissa.	Central Provinces and Berar.	Assam.
April . . .	11,48,000	36,000	3,08,000	8,08,000	1,32,000	3,46,000	2,42,000	1,000	68,000	88,000
May . . .	7,58,000	23,000	1,88,000	8,61,000	1,17,000	1,33,000	3,94,000	80,800	1,39,000	69,000
June . . .	26,62,000	14,000	4,76,000	17,68,000	1,38,000	1,59,000	2,01,000	1,33,000	65,000	68,000
July . . .	94,01,000	89,000	8,21,000	22,69,000	3,37,000	2,55,000	6,78,000	2,46,000	2,11,000	69,000
August . . .	69,66,000	87,000	6,85,000	23,06,000	4,46,000	3,89,000	18,71,000	3,26,000	3,08,000	1,11,000
September . . .	43,56,000	71,000	76,72,000	47,04,000	6,27,000	3,47,000	11,03,000	3,28,000	4,12,000	97,000
October . . .	66,42,000	78,000	11,88,000	33,06,000	8,06,000	6,78,000	46,06,000	3,61,000	8,86,000	2,30,000
November . . .	71,66,000	82,000	32,94,000	12,50,000	12,50,000	12,50,000	12,50,000	12,50,000	12,50,000	12,50,000

† Answered on the 27th January, 1926, along with Question No. 37, 1925.

PROTECTION OF INDUSTRIES IN INDIA.

854. ***Mr. K. Rama Aiyangar:** Will the Government be pleased to state whether their views with regard to the protection of industries in India have undergone any change as the result of Cabinet changes in United Kingdom in connection with the Safeguarding of Industries Act for saving indigenous industries from foreign competition?

The Honourable Sir Charles Innes: If the Honourable Member will tell me exactly what this question is, I will endeavour to answer it.

PURCHASES OF PAPER BY THE STATIONERY OFFICE, CALCUTTA.

355. ***Mr. K. Rama Aiyangar:** (a) Will the Government be pleased to state the total amount of purchases of paper by the Stationery Office, Calcutta, indicating how much of it was imported and how much made in India?

(b) Will Government be pleased to state for how many Departments this Stationery Office caters and whether the purchases of Provincial Governments are covered by their operations?

The Honourable Sir Bhupendra Nath Mitra: (a) For the year 1925-26, contracts have been placed for paper to the value of Rs. 36,26,000 of which Rs. 7,91,000 is for imported paper and Rs. 28,35,000 for paper made in India.

(b) The Stationery Office caters for all Departments of the Government of India as well as State Railways. Its operations include purchases for all Provincial Governments except Bombay, Madras, Bihar and Orissa and Burma.

RUPEE TENDERS FOR INDIAN STORES.

356. ***Mr. K. Rama Aiyangar:** Will the Government be pleased to state what progress has been made in formulating the policy of the purchase of Government requirements of this country by rupee tenders and whether Government intend to accept the Assembly's Resolution on this subject passed in the January session of 1924?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is referred to the reply given by me to question No. 94 by Khan Bahadur Sarfaraz Hussain Khan on the same subject, from which he will see that the question is still under consideration.

QUALIFICATIONS OF STORES PURCHASE OFFICERS OF THE STATE RAILWAYS.

357. ***Mr. K. Rama Aiyangar:** (a) Will the Government be pleased to state what are the qualifications of Stores Purchase Officers of the principal lines of State Railways?

(b) Will they be pleased to state the method of recruiting these officers and why most of these officers happen to be Europeans?

Mr. G. G. Sim: (a) No definite qualifications are laid down. Officers possessing sufficient experience and knowledge of railway stores are entrusted with the work in question.

(b) As regards the first part of the question, hitherto there have been no special rules for recruitment of officers of the Stores Department of State Railways but the Government propose to select officers in future for the Stores Department from amongst the officers of the Mechanical and Civil Engineering Departments.

The reply to the latter part of question (b) is that Government have appointed Indians with requisite qualifications.

DETAILED ESTIMATES OF THE SUKKUR BARRAGE SCHEME.

858. ***Mr. K. Rama Aiyangar:** (a) Will Government be pleased to state if the detailed estimates of the Sukkur Barrage Scheme in Bombay were placed before them?

(b) Have they been examined by any competent official of the Government of India?

(c) Were they sanctioned before Government undertook to make available to the Government of Bombay the necessary capital?

The Honourable Sir Bhupendra Nath Mitra: The reply to all three parts of the question is in the affirmative.

SETTLEMENT OF INDIAN CLAIMS AGAINST HIS MAJESTY'S GOVERNMENT.

†859. ***Mr. K. Rama Aiyangar:** Will the Government be pleased to state whether the several claims, which India had against His Majesty's Government and for the adjustment of which Sir B. N. Mitra was deputed, have now been settled in India's favour and at what figure?

LOANS TO PROVINCIAL GOVERNMENTS.

860. ***Mr. K. Rama Aiyangar:** (a) Will Government be pleased to state what is the total amount which they have lent out to various Provinces for purposes which are grouped under the heading "Development"?

(b) Is sinking fund provision being insisted upon and, if so, at what rates?

(c) How are the future requirements of various Provinces in this direction estimated and in what manner are they checked?

(d) Do the Government of India exercise any control over the objects and purposes for which these moneys are spent?

The Honourable Sir Basil Blackett: (a) I take it that the Honourable Member does not refer in part (a) to advances for developmental purposes generally but only to those for expenditure in connection with schemes such as the Bombay Development Scheme. If so, the advances made (excluding amounts re-lent to local bodies) up to the 31st March, 1935, is about 9 crores net. This represents entirely amounts lent to the Bombay Government.

(b) to (d). I would invite the Honourable Member's attention to the Finance Department Resolution No. D-1350-F., dated the 25th March, 1935, regarding the constitution of the Provincial Loans Fund which was published at that time in the *Gazette of India*.

†For the answer to this, see answer to question No. 344.

Mr. A. Rangaswami Iyengar: May I know, Sir, what progress has been made in regard to the creation and operation of this Fund?

The Honourable Sir Basil Blackett: The Fund is in full operation.

Mr. A. Rangaswami Iyengar: Will the Government be prepared to make a statement about its operations?

The Honourable Sir Basil Blackett: If the Honourable Member will let me know what kind of statement he requires, I shall be very glad to do so

Mr. A. Rangaswami Iyengar: I have put down a question, Sir.

AMALGAMATION OF THE STAFFS OF THE OPIUM, SALT, CUSTOMS AND INCOME-TAX DEPARTMENTS.

361. ***Mr. K. Rama Aiyangar:** (a) Will Government be pleased to state what work has been done to combine the staffs of the Opium, Salt, Customs and Income-tax Departments so as to reduce expenditure as far as possible?

(b) If so, what steps have been taken and by how much has the expenditure been decreased?

(c) What further proposals have been made to give effect to this reduction in expenditure?

The Honourable Sir Basil Blackett: (a), (b) and (c). After careful examination of the whole question it has been found that for various reasons, such as geographical conditions, necessity for knowledge of the vernaculars and so on, the combination of the staffs in question is not a feasible proposition.

OPENING OF A POST OFFICE AT BARAKULIA.

362. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the *Forward* of the 31st December, 1925, page 11, under the heading "Want of a Post Office"?

(b) If so, will Government please state if the complaints made therein are true?

(c) If true, do they propose to open a Post Office at Barakulia?

(d) If the answer to (c) be in the negative, do they propose to make such arrangements at the Kulia Post Office, Jessore, as may remove the inconveniences complained of?

Mr. G. P. Roy: (a) Yes.

(b), (c) and (d). The complaints are being investigated.

CONTRACTS FOR COOLIES AT STATIONS ON THE OUDH AND ROHILKHAND RAILWAY.

363. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the article published in the *Wealth and Welfare* of the 24th December, 1925, page 4, under the head "Cooly Contract"?

(b) If so, will they please state if the following facts are correct:—

- (i) that the contract is given to one individual for all stations on the Oudh and Rohilkhand Railway sections to control coolies?
- (ii) that the system that obtains in Delhi station is that a retired Station Superintendent is appointed to be in charge of coolies?

(c) Do Government propose to introduce the departmental system as suggested in the article?

(d) If not, why not?

Mr. G. G. Sim: (a) Government have seen the article referred to.

(b) (i) Government have no information.

(ii) Yes.

(c) No.

(d) It is considered unlikely that the adoption of the suggestion would be an improvement on the existing system.

PRISON REFORMS.

864. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the article in the *Servant of India* of 24th December, 1925, pages 556 and 557 under the head "Borstal System"?

(b) Are the following statements in it correct?

- (i) "In recent years Juvenile Jails have been established in India, and young offenders collected at Tanjore, Lahore, Meiktila, Alipur, Monghyr, Narsinghpur, Dharwar and Bareilly."
- (ii) "The Indian Jails Committee of 1919-20 recommended 'the creation of a class of special adolescent institutions which will be essentially reformatory in character and will be for the adolescent what the Reformatory School is for the child-offender. Every adolescent who is hereafter sentenced to imprisonment and who is not sent to a juvenile jail for grave crimes should be committed to one of these institutions'."

(c) Has the subject of prison reforms been engaging the attention of the Government of India?

The Honourable Sir Alexander Muddiman: (a) and (b). Yes.

(c) As the Honourable Member is aware, Jails is a provincial subject, but I can assure him that the question of prison reform is one that is constantly before the Government of India.

PROVISION OF FACILITIES FOR NAVAL TRAINING IN INDIA.

865. ***Khan Bahadur Sarfaraz Hussain Khan:** 1. Will Government please state:

- (a) if it is a fact that India makes an annual payment of £100,000 towards the upkeep of the East Indies squadron?
- (b) if it is a fact that there are no Indians in the superior ranks of the Royal Indian Marine?

2. If the answer to part 1 (b) be in the negative, will Government please state if any special facilities have been afforded for naval training in India?

Mr. E. Burdon: 1. (a) Yes.

(b) Yes.

2. No.

Mr. Gaya Prasad Singh: May I know, Sir, why no Indian has as yet been appointed to any office in the superior service of the Royal Indian Marine?

Mr. E. Burdon: I have previously stated in answer to numerous questions in this House that Indians are eligible for such appointments but that no one has yet come forward with the necessary qualifications.

Mr. Chaman Lal: Have Government provided any facilities for their training?

Mr. E. Burdon: That is also a question which I have answered on many other occasions before in this House. The Government have so far not provided special training or educational facilities.

Mr. Gaya Prasad Singh: How then do Government expect people to come forward with the necessary qualifications under those circumstances?

Mr. E. Burdon: It happens in other places.

Mr. Gaya Prasad Singh: How are Government justified in expending money out of Indian revenues when they have provided no special facilities for the training of Indian officers for the Royal Indian Marine?

Mr. E. Burdon: I am afraid I do not follow my Honourable friend's argument. It appears to me to be more an argument than a question.

Mr. Chaman Lal: Will the Honourable Member ask the Government to provide facilities for the training of Indians in this profession?

Mr. E. Burdon: The matter is actually under consideration at the present moment.

COST OF OPERATIONS UNDERTAKEN AGAINST THE NORTH-WESTERN BORDER TRIBES.

366. ***Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state:

- (a) the number of operations undertaken against the North Western border tribes since 1911?
- (b) the total cost of these operations from out of the Indian Exchequer since 1911?
- (c) the total amount paid to these tribes in the shape of allowances since 1911?

Mr. E. Burdon: (a) There were no operations conducted against the Frontier tribes between 1911 and 1914. Since 1915 and up to 1924-25, altogether 88 operations were undertaken. This figure includes several minor actions and movements, but not the operations connected with the 3rd Afghan War.

(b) The approximate net expenditure incurred on the February expeditions between 1911-12 and 1924-25 inclusive of the cost of the 3rd Afghan War amounts to approximately Rs. 58 crores.

(c) Approximately Rs. 67 lakhs.

**CONVEYANCE OF THIRD CLASS PASSENGERS IN GOODS VEHICLES
BY THE BENGAL AND NORTH-WESTERN RAILWAY.**

367. ***Mr. Gaya Prasad Singh:** (a) With reference to question No. 152 of the 19th March, 1924, asked in the Council of State, and the reply of Government that "early in 1922 instructions were issued to railway administrations that steps should be taken as far as practicable to put a stop to the practice of conveying passengers in goods vehicles", are Government aware that third class passengers continue to be conveyed in goods vehicles by the Bengal and North-Western Railway on many occasions?

(b) What steps do the Government propose to take to ensure compliance with their own instructions issued in 1922, by the Bengal and North-Western Railway Administration?

Mr. G. G. Sim: (a) and (b). Yes. The Government have ascertained that in the last 8 years 101 third class coaches (in terms of 4 wheelers) have been added to the stock on the line. It was anticipated that this number would suffice to cope with the increase of traffic but this expectation has not proved correct and the Railway Board are in correspondence with the Agent in order to remedy this state of affairs.

Mr. K. Ahmed: Have Government seen their way to pay compensation in the way of reparations to those unhappy Moplahs who were locked up in the luggage van and while in transit were almost all found dead, and some of whom were left behind in a dying condition and 67 died altogether in 1921 in the Podanur train tragedy in Southern India?

Mr. G. G. Sim: May I ask if the Honourable Member is referring to the Bengal and North-Western Railway?

Mr. K. Ahmed: Is it not the same Department as the one of which the Honourable Member is in charge, namely, Finance, and might he not as well pay compensation to the heirs and dependants of those unhappy Moplah people who were illegally put into the luggage van and died on the Southern India Railway line in Madras?

Mr. G. G. Sim: I submit, Sir, that that question does not arise in connection with the Bengal and North-Western Railway.

**REDUCTION OF THIRD CLASS FARES ON THE BENGAL AND NORTH-WESTERN
RAILWAY.**

368. ***Mr. Gaya Prasad Singh:** (a) Is it not a fact that fares of all classes on the Bengal and North-Western Railway were enhanced during the Great War, and that they are kept up even up to now?

(b) Do the Government propose to ask the Bengal and North-Western Railway authorities to reduce their fares, especially third class fares?

Mr. G. G. Sim: (a) The reply is in the affirmative.

(b) Existing fares, especially third class fares, on the Bengal and North-Western Railway are already low as compared with those charged on other Railways and in the circumstances the Government do not propose to take any action.

Mr. Gaya Prasad Singh: Are the Government aware that the facilities and amenities provided by the Bengal and North-Western Railway are also especially low as compared with the facilities and amenities provided on other Railways?

Mr. G. G. Sim: The Honourable Member, I think, does not suggest that they are specially low as compared with the lowness in the fares.

Mr. Gaya Prasad Singh: Yes.

CONCESSION TICKETS ON THE EAST INDIAN RAILWAY.

369. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that the East Indian Railway Administration has begun to issue 45 days' return journey tickets at concession rates to first, second, and intermediate class passengers from 1st January, 1926, between certain stations?

(b) If so, are not Howrah, Allahabad, Lucknow and Delhi on the list of such stations where concession tickets are available? If so, will the Government kindly state why Patna, which is the capital of a Province, has been excluded from the list?

Mr. G. G. Sim: (a) Yes.

(b) The reply to the first part is in the affirmative. As regards the second part Government understand that the Railway Administration has decided to confine the experiment, for the present, to bookings between certain selected stations only.

Mr. Gaya Prasad Singh: Will the Government kindly give a list of those stations to which this experiment has been confined for the present?

Mr. G. G. Sim: The Honourable Member will find the list in the tariff of the Railway concerned.

Mr. Gaya Prasad Singh: May I know why Patna has been excluded from that list? It is the capital of a major Province.

Mr. G. G. Sim: If the Honourable Member will refer to the time table he will find the information he wants.

Mr. B. Das: May I inquire if it is because the Government of Bihar and Orissa occupy a very secondary position among the Provincial Governments that Patna has been excluded?

The Honourable Sir Charles Innes: I may explain to the Honourable Member that the question of including Patna has been discussed by the Local Advisory Committee, and the last information I had was that the Agent had promised to look into the matter.

ENHANCEMENT OF THE DUTY ON FOREIGN LIQUORS.

370. ***Mr. Gaya Prasad Singh:** Will the Government kindly state when the import duty on foreign liquors was fixed at its present rate? And do Government contemplate enhancing the rate of duty?

The Honourable Sir Charles Innes: The present rates of duties on liquors were fixed by the Indian Finance Acts of 1921, 1922 and 1923. It is contrary to the practice of Government to announce their intentions in regard to such matters in anticipation of the Budget.

Mr. K. Ahmed: Are the Government aware that there was a Resolution passed only the other day during the last Session that there should be prohibition of liquor in India and that we do not want any duties to be imposed? Under the circumstances do Government propose to respect the passing of the Resolution, and pay heed to it by not allowing foreign liquors to come into this country at all?

The Honourable Sir Basil Blackett: I do not think that question arises.

Mr. K. Ahmed: Do I understand, Sir, that the Government of India indulge in liquor so much that they are sympathetic towards foreign liquor in this country?

LICENSES FOR FIRE-ARMS.

371 ***Mr. Gaya Prasad Singh:** Will the Government be pleased to state

- (a) the total number of applications for licenses for fire-arms during the years 1923 and 1924 received from (i) Europeans and (ii) Indians, Province by Province; and
- (b) the total number of applications that were refused in case of (i) Europeans, and (ii) Indians?

The Honourable Sir Alexander Muddiman: The information is not readily available. It was collected for the year 1920 at great trouble and expense and laid by the Honourable Sir William Vincent on the table of this House on the 18th January, 1922. I am not prepared to have it collected for 1923 and 1924 owing to the expenditure of labour and money involved in its collection.

QUALIFICATIONS OF INDIA'S DELEGATES TO THE INTERNATIONAL OPIUM CONFERENCE.

372. ***Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to state the qualifications of Messrs. Harold Clayton and J. C. Walton to represent India at the International Opium Conference?

(b) What is the total amount of allowances, if any, drawn out of Indian revenues by the delegates of India to the International Opium Conference, so far held?

The Honourable Sir Basil Blackett: (a) The two gentlemen had acquired, in the course of their official duties, the one in Burma and the other in the India Office, a knowledge of the opium problem in India which qualified them to represent the Government of India at the International Opium Conference

(b) The information is not available in India.

INDIA'S REPRESENTATIVE AT THE NEXT INTERNATIONAL LIQUOR CONFERENCE.

373. ***Mr. Gaya Prasad Singh:** Will the Government kindly state if they propose to consult the Legislative Assembly before selecting India's representative at the next International Liquor Conference?

The Honourable Sir Alexander Muddiman: The answer is in the negative.

THE PHILADELPHIA EXHIBITION.

374. ***Mr. Gaya Prasad Singh:** (a) Have the Government received any intimation as to when the Philadelphia Exhibition is going to be held?

(b) Is India going to participate; and if so, what amount, if any, is going to be spent out of Indian revenues in this connection?

The Honourable Sir Charles Innes: (a) Yes, the Exhibition will be held from 1st June to 30th November, 1926.

(b) The Government of India do not intend to participate and there will accordingly be no charge on Indian revenues.

DELAY IN THE TRANSMISSION BY TELEGRAM OF THE SPEECH OF LALA LAJPAT RAI AT THE CAWNPORE CONGRESS.

375. ***Mr. Gaya Prasad Singh:** (a) Are Government aware whether Lala Lajpat Rai's speech in the Cawnpore Congress "was held up by the censor for a few hours and then released"?

(b) If so, are they aware why it was done?

The Honourable Sir Bhupendra Nath Mitra: The message in question appeared to contain objectionable matter and was consequently referred by the Telegraph Office to the Chief Civil Officer of the station under Rule 15 of the Statutory Rules relating to telegrams. This reference necessarily involved some delay in the despatch of the telegram.

Mr. Chaman Lall: May I ask the Honourable Member if he would indicate what the objectionable matter was or the nature of that objectionable matter?

The Honourable Sir Bhupendra Nath Mitra: I cannot possibly contra-vene the provisions of the Indian Telegraph Act.

Mr. Chaman Lall: May I ask if the Honourable Member is himself satisfied that the matter was objectionable?

The Honourable Sir Bhupendra Nath Mitra: I have nothing to add to the reply which I have just given.

Mr. Chaman Lall: Is it not a fact, Sir, that the message was subsequently released?

The Honourable Sir Bhupendra Nath Mitra: The reply to that question too will be found in the reply I have already given.

Mr. A. Rangaswamy Iyengar: May I know, Sir, whether in holding up these telegrams the Government of India serve either the interests of the public or of the Government themselves and whether they are merely delaying these things for nothing?

The Honourable Sir Alexander Muddiman: That, Sir, is a matter of policy and it is a power which the Executive Government must have. As to the exercise of the power in this particular case, I know nothing.

Mr. A. Rangaswamy Iyengar: May I take it, Sir, that the exercise of this power is to be wholly arbitrary and despotic?

The Honourable Sir Alexander Muddiman: Certainly not; but it is a necessary power, the exercise of which will be used with great discretion.

Mr. Chaman Lal: May I ask, Sir, if it was not arbitrary when the message was delayed for a little while and released after an hour or so?

The Honourable Sir Alexander Muddiman: That, Sir, is a question really for my Honourable colleague to answer, but I imagine that the officer concerned carried out the rule, and I am not sure whether the telegram issued or not.

Mr. Gaya Prasad Singh: May I know, Sir, if the part of the message which was first considered to be objectionable was subsequently allowed to pass or was it withheld?

The Honourable Sir Bhupendra Nath Mitra: I am sorry, as I have already said, I cannot divulge any information without contravening the provisions of the Telegraph Act.

Mr. Gaya Prasad Singh: I am not asking for any information which would contravene the provisions of the Telegraph Act. What I want to know is whether the telegraphic message which was first withheld was subsequently allowed to go intact, or was any portion of it deleted or withheld?

The Honourable Sir Bhupendra Nath Mitra: That would be equivalent to my divulging the substance of the message, and I cannot possibly do that.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the Honourable Member has at least now satisfied himself that this delay and censorship was exercised not arbitrarily but on the merits and having had due cause and reason for doing so?

The Honourable Sir Bhupendra Nath Mitra: The discretion is allowed to a particular officer, and he used it.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the Honourable Member has satisfied himself that the discretion in this case has been used for a reasonable cause?

The Honourable Sir Bhupendra Nath Mitra: The discretion is given to the officer by law. I cannot interfere in the matter.

Mr. A. Rangaswami Iyengar: May I take it, Sir, that the censor in question is absolutely unrestrained by any rule or regulation of the Government in regard to the discharge of his duties?

The Honourable Sir Bhupendra Nath Mitra: I would refer the Honourable Member to the statutory rules on the subject.

Mr. Chaman Lal: May I ask, Sir, whether the Honourable Member has satisfied himself that the method adopted by the local officer on the spot in this case was correct, or whether he had any special ground to act in the manner he had acted?

The Honourable Sir Bhupendra Nath Mitra: His action certainly did not contravene the provisions of the rules on the subject.

Mr. M. A. Jinnah: May I ask if the Government suggest that they have no power to interfere into the propriety of the censor of the officer in charge who withheld that message?

The Honourable Sir Bhupendra Nath Mitra: That is the position under the rules.

Dewan Bahadur M. Ramachandra Rao: Is it seriously contended, Sir, that the Government have no power to see whether the discretion has been properly or improperly used? Is that the suggestion which the Honourable Member is making?

Honourable Sir Bhupendra Nath Mitra: The discretion is given to this particular officer by statutory rule, and the question is entirely one for his discretion. If an appeal is allowed under these statutory rules, then only can the Government of India come in.

Sir Hari Singh Gour: Is it not a fact, Sir, that the discretion exercised by an executive officer is subject to the executive control of his superior officer?

The Honourable Sir Bhupendra Nath Mitra: This is a discretion given to him under a provision of law.

Mr. Bipin Chandra Pal: I want to know, Sir, if an officer of Government who is empowered to do certain things in the exercise of a certain discretion given to him by the law, is not the superior officer responsible to see that the discretion is discreetly exercised?

The Honourable Sir Alexander Muddiman: Yes, certainly, and I think that in this case the discretion has been properly exercised.

Mr. M. A. Jinnah: May I ask the Honourable Member whether he has made any inquiries to find out whether the discretion was properly exercised by the officer on the spot?

The Honourable Sir Alexander Muddiman: That is not a matter within my Department, nor have I heard any allegations that it has not been properly exercised.

Mr. M. A. Jinnah: My question was not put to the Honourable the Home Member; it was put to the Government.

The Honourable Sir Alexander Muddiman: Does the Honourable Member object to my replying to these questions?

Mr. M. A. Jinnah: On behalf of Government, no.

What I want again to ask the Government is this, whether they have inquired that the discretion has been properly used? If not, do the Government propose to make inquiries and give us the information?

The Honourable Sir Bhupendra Nath Mitra: The inquiry has been made and the answer is in the affirmative.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

376. **Mr. B. Das:** Will Government be pleased to state if their consideration of the Madras Government's letter and the Report of Philip-Duff Commission (*vide* reply to starred question No. 8 of 25th August, 1925), have reached a finality and will they be pleased to inform the House of their final decision on the amalgamation of the Oriya-speaking tracts?

The Honourable Sir Alexander Muddiman: I invite a reference by the Honourable Member to my reply to Khan Bahadur Sarfaraz Hussain Khan's question No. 86, dated the 21st January, 1926, on the same subject. This answer covers the Honourable Member's question No. 877.

Mr. B. Das: May I just inform the Honourable Member that he told the House that the reply would be given on the debate on my Resolution when it would be taken up in the House, but owing to the long speeches that were delivered the other day, my Resolution could not be taken. Will the Honourable Member be pleased to reply to my question or give us an hour on some Government day for the discussion of that adjourned debate?

The Honourable Sir Alexander Muddiman: The first part of the question regarding the long speeches of his Honourable colleagues cannot be addressed to me. On the second point, the Honourable Member has still hopes of the ballot, and I trust he will be successful.

Mr. B. Das: We were expecting that the South African Resolution would take a long time to-day, but, as it is not coming on, may I inquire, whether my Resolution can be taken to-day?

Mr. President: Order, order. That question does not arise.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

†877 ***Mr. B. Das:** (a) Is it a fact that a deputation of representatives of the Oriya people waited on the Honourable the Home Member to press the urgency of their demand about the amalgamation of the Oriya-speaking tracts?

(b) Are Government aware that there is a great deal of disappointment amongst the public and press in Orissa over their delay in amalgamating the Oriya-speaking tracts?

(c) Will Government be pleased to state if they contemplate in the near future to create a sub-province for the Oriyas and to place them under a Deputy Governor?

PREVENTION OF FLOODS.

878 ***Mr. B. Das:** (a) With reference to started question No. 11 of 25th August, 1925, will Government be pleased to state if they have received any further communications from the Local Governments regarding co-ordination of action to prevent floods in the country?

(b) Will the Honourable Member for Irrigation be pleased to state how far his Department has investigated:

(i) the causes of floods due to irrigation embankments,

(ii) the stoppage of flow of natural waterways due to canal embankments and railway embankments?

(c) Will Government be pleased to inform the House if the technical experts on waterways in the employ of the Government of India have given their attention to the causes and ravages of floods?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to lay their views on the table?

The Honourable Sir Bhupendra Nath Mitra: (a) Only one such communication has been received, in which the Local Government concerned stated that they were fully alive to the necessity of maintaining drainage lines intact and that safeguards to that end were already provided. They saw no necessity for any special investigation in the matter.

(b) and (c). In so far as canal embankments are concerned, the question is a provincial one, and the technical advisers of the Government of India assist in such investigations only when invited to do so by the Local Government concerned. They have not yet been so invited by any Local Government. The position in regard to Railway Works remains as stated in my reply to the Honourable Member's question No. 11 on the 25th August, 1925.

(d) Does not arise.

Mr. B. Das: May I inquire whether other Local Governments besides the one which has been in communication with the Government of India are carrying out their duties in the matter of the prevention of floods?

The Honourable Sir Bhupendra Nath Mitra: The Government of India have no reason to doubt the *bona fides* of the Local Governments in the matter.

Mr. B. Das: May I inquire if the Government of India are aware that there have been floods all over India during this year, and there has been distress in many parts of India, particularly in Orissa?

The Honourable Sir Bhupendra Nath Mitra: They are aware of it, Sir.

Mr. B. Das: Still Government deny that there has been distress

OFFICERS IN THE INDIAN STORES DEPARTMENT.

879. ***Mr. B. Das:** (a) With reference to starred question No. 57 of 25th August, 1925, will Government be pleased to state the number of permanent Europeans since taken into the Indian Stores Department besides the six on that date drawing a salary above Rs. 500?

(b) Will Government be pleased to give an up-to-date statement shewing a list of officers in the Indian Stores Department on the permanent and temporary cadre as per table given below and for—

(i) officers above Rs. 500,

(ii) officers and staff above Rs. 200?

	PERMANENT CADRE.		TEMPORARY CADRE.	
	Rs. 500 and above.	Rs. 200—500.	Rs. 500.	Rs. 200—500.
1. Indians—				
(a) Hindus				
(b) Moslems				
(c) Other Indians				
2. Anglo-Indians and Eurasians				
3. Europeans				

The Honourable Sir Bhupendra Nath Mitra: (a) How many are in (b) A statement is laid on the table.

Statement of officers in the Indian Stores Department on permanent and temporary cadres, whose pay or maximum (i) exceeds Rs. 500 a month and (ii) exceeds Rs. 200 but does not exceed Rs. 500(a).

	PERMANENT CADRE.		TEMPORARY CADRE.		REMARKS.
	Pay or maximum pay above Rs. 500.	Pay or maximum pay above Rs. 200 but not above Rs. 500(a).	Pay or maximum pay above Rs. 500.	Pay or maximum pay above Rs. 200 but not above Rs. 500(a).	
1. Indians—					
(a) Hindus.	3(b)	47	17(c)	38	The officers and Subordinates are classified as permanent or temporary with reference to their personal status and not with reference to that of the appointment which they hold.
(b) Moslems.		7	1(c)	2	
(c) Other Indians.		..	2(c)	5	
2. Anglo-Indians and Eurasians.	3(b)	2	1(c)	..	
3. Europeans.	6(c)	3	21(c)	1	
Total	12	59	42	46	
GRAND TOTAL		159		7	

- (a) These are all non-gazetted appointments.
 (b) One gazetted and two non-gazetted officers.
 (c) All gazetted officers.
 (d) Non-gazetted.

APPOINTMENT OF AN INDIAN TO OFFICIATE AS CHIEF CONTROLLER OF STORES.

880. ***Mr. B. Das:** Will Government be pleased to state whether any attempt was made to find a suitable Indian to officiate for Mr. P. K. Das as Chief Controller while he was on leave?

The Honourable Sir Bhupendra Nath Mitra: Government did not consider that there was any Indian to whom the officiating post could suitably be offered.

Mr. Gaya Prasad Singh: What inquiry was made to find out whether any suitable Indian was available or not?

The Honourable Sir Bhupendra Nath Mitra: Personal inquiries and departmental inquiries.

Mr. B. Das: Does that mean that there was no Indian available in the Finance Department of the Government of India to be transferred to the Stores Department? There are many Indians there.

The Honourable Sir Bhupendra Nath Mitra: The answer to that is in the affirmative, that is, no Indian possessing suitable qualifications was found available.

Mr. B. Das: Does that mean that Government are not carrying out at all the recommendations of the Indian Stores Purchase Committee but are always going beyond it?

The Honourable Sir Bhupendra Nath Mitra: The answer to that is in the negative.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether there has been any change in the policy of this Department since Mr. Pitkeathly's transfer?

The Honourable Sir Bhupendra Nath Mitra: The answer to that again is in the negative.

THE ANGLO-INDIAN DEPUTATION TO THE SECRETARY OF STATE.

381. ***Mr. B. Das:** (a) Will Government be pleased to state if they have received any communication from the Secretary of State for India on the Anglo-Indian deputation that waited on him?

(b) Is it a fact that the Anglo-Indians demand special privileges for past services and past considerations?

The Honourable Sir Alexander Muddiman: The Government of India have received a despatch which is under their consideration. I am unable to give any further information on the subject at present.

POLICY AND CONTROL OF THE LONDON STORES DEPARTMENT.

382. ***Mr. B. Das:** (a) With reference to the reply to starred question No. 61 of 25th August, 1925, stating that the Government of India have had complete control over the London Stores Department since October, 1920, will Government be pleased to state:

(i) if they contemplate bringing over the London Stores organisation to Delhi?

(ii) if they contemplate having one head for both the Indian Stores and London Stores Departments?

(iii) if they contemplate control and direction in entirety from India?

(b) Will Government be pleased to state their policy of present control over the London Stores Department and how is the same directed?

(c) Does it mean that the High Commissioner for India takes his instructions from the Government of India regarding the policy and control of the London Stores Department?

The Honourable Sir Bhupendra Nath Mitra: (a) (i) No.

(ii) Not for the present.

(iii) Yes, through the High Commissioner for India in London.

(b) The Honourable Member is referred to the correspondence which was laid on the table of this House on the 18th March, 1922.

(c) Yes.

PERCENTAGE OF INDIANS IN THE OFFICE OF THE HIGH COMMISSIONER
FOR INDIA, ETC.

383. *Mr. B. Das: (a) Will Government be pleased to state if the percentage of Indians in the High Commissioner's office has increased beyond 8 per cent. as was stated in reply to starred question No. 59 of 25th August, 1925?

(b) In view of the transfer of control of the London Stores Department to the Government of India, will Government be pleased to state what their policy is:

- (i) re Indianisation of that department,
- (ii) re reduction of staff in London, and
- (iii) re transfer of the office to India?

The Honourable Sir Charles Innes: (a) The position is about the same as on last August, there having been very few vacancies since that date.

(b) (i). I would refer the Honourable Member to the reply given to question No. 215, asked by Khan Bahadur Sarfaraz Hussain Khan on the 26th January, 1926.

(ii) It is not intended to retain in London a staff larger than is necessary to meet requirements from time to time.

(iii) The Honourable Member presumably refers to the question of making the London Stores Department a branch of the Indian Stores Department. If so, his attention is invited to the reply just given to his previous question.

Mr. B. Das: May I inquire if the Government of India will at all advise the High Commissioner that in the future recruitment of staff he will employ Indians in London?

The Honourable Sir Charles Innes: I may say that the High Commissioner invariably keeps that point in mind.

APPOINTMENT OF INDIAN TRADE COMMISSIONERS IN FOREIGN COUNTRIES.

384. *Mr. B. Das: With reference to the reply to starred question No. 108 of August 25th, 1925, will Government be pleased to state if they again contemplate the appointment of Indian Trade Commissioners in foreign countries and dominions?

The Honourable Sir Charles Innes: No, Sir.

*Mr. B. Das: Is it not a fact that last Session when the Honourable Member replied to a similar question, he said that for financial reasons Trade Commissioners could not be appointed in foreign countries? May I inquire if it is not time when the financial solvency of the country will allow of Indian Trade Commissioners being appointed in foreign countries and dominions?

The Honourable Sir Charles Innes: If the Honourable Member will indicate to me privately in what country he thinks an Indian Trade Commissioner will be useful, I promise to consider the question.

Mr. B. Das: I will do that, Sir.

+385.

SMUGGLING OF BIRDS' FEATHERS.

386. **Mr. B. Das:** (a) Is it a fact that certain feathers and plumage are prohibited as contraband for export from India?

(b) Is it a fact that a large quantity of feathers is smuggled out of India every year?

(c) Will Government be pleased to state the number of instances in which their Customs Department have detected such smuggling?

The Honourable Sir Basil Blackett: (a) Yes: the prohibition applies to skins and feathers of all birds other than domestic birds, except (a) feathers of ostriches and (b) skins and feathers exported *bona fide* as specimens illustrative of natural history.

(b) This is believed to be the case.

(c) Particulars for all ports are not available, but the following extract from the Report on the Sea-borne Trade and Customs Administration of the Bombay Presidency, excluding Sind, for 1924-25 may be of interest to the Honourable Member: "The illicit export trade in wild birds' plumage has not been entirely checked, although we have brought to book, by skilful detective work, some of the leaders of the trade in different parts of India. There were seven cases of export or attempted export during the year as against 13 in the previous year. The offenders were penalised in all cases".

Mr. B. Das: May I inquire, Sir, why, when feathers and plumage are exported from South Africa, Australia and New Zealand, their export from India is prohibited?

The Honourable Sir Basil Blackett: I think the Honourable Member had better give notice of that question or else look it up in the books on the subject.

SELECTION OF INDIAN MEMBERS OF THE DEPUTATION TO SOUTH AFRICA.

387. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state why both the Indian members of the South African deputation were selected from the Council of State and none from the Legislative Assembly?

Mr. J. W. Shore: Only one member of the Indian deputation to South Africa is a member of the Council of State. A member of the Legislative Assembly was asked to join the deputation but was unable to accept the invitation for private reasons.

Mr. B. Das: Was the Legislative Assembly consulted before the deputation was sent?

Mr. J. W. Shore: No, Sir. The Legislative Assembly was not in Session to enable this to be done even if it had been decided to consult them.

Mr. B. Das: Would it not have been possible to consult the leaders?

The Honourable Sir Basil Blackett: Who are they?

APPOINTMENT OF A ROYAL COMMISSION ON AGRICULTURE.

388. **Manvi Muhammad Yaqub:** (a) Will the Government be pleased to state if the appointment of a Royal Commission on Agriculture has been decided upon?

(b) If the answer to (a) is in the affirmative, will the Government be pleased to state the reasons for and the object of the appointment of such a Commission?

(c) What will be the terms of reference of the Commission?

(d) What will be the personnel of the Commission?

(e) Will the Legislative Assembly be properly represented on the Commission?

(f) What is the estimate of the expenditure on the Commission?

(g) Is agriculture an Imperial or a Provincial subject?

Mr. J. W. Bhore: (a), (b) and (c). The Honourable Member is referred to the reply given by me to Kumar Gangenand Sinha's question on this subject.

(d) and (e) Government are not yet in a position to announce the personnel of the Commission.

(f) It is not possible to frame an accurate estimate of the expenditure in connection with the Commission until its strength and the date on which it will begin work is determined. A provisional estimate of Rs 3 lakhs during the coming financial year has been made.

(g) Agriculture is a Provincial (transferred) subject in Governors' Provinces.

Mr. N. M. Joshi: May I ask, Sir, whether in view of the fact that Agriculture has been declared a Provincial transferred subject, the initiative for the appointment of the Royal Commission was taken by the Ministers or by the Secretary of State for India?

Mr. J. W. Bhore: As far as I am aware the initiative was not taken by the Ministers but, as the Honourable Member is already aware from the reply I have given to a question relating to this subject, the Provinces were consulted subsequently and their replies have been laid in the Library of the House.

Sir Hari Singh Gour: May I inquire, Sir, whether, in view of the fact that Agriculture is a Provincial transferred subject, the Provinces will contribute in proportion to the cost of the Royal Commission?

The Honourable Sir Basil Blackett: The answer, I am afraid, is in the negative.

Sir Hari Singh Gour: Will the Government be pleased to state any reasons why the Central Government should be made to bear the burden of the Royal Commission when the subject it deals with is a provincial transferred subject?

The Honourable Sir Basil Blackett: I think the Honourable Member's premise is incorrect. The subject of the Royal Commission is not a transferred subject. It is the co-ordination of Agriculture in India. That is a central subject.

Mr. A. Rangarani Iyengar: Co-ordination of Agriculture.

Mr. W. M. Joshi: May I ask whether it was not the intention of the Government of India Act that the initiative in matters of transferred subjects should rest mainly with the Ministers and not with the Government of India or the Secretary of State for India?

Mr. President: It is a question of opinion.

Mr. W. M. Joshi: It is a question of fact, Sir

Mr. President: Order, order.

Mr. K. Ahmed: Is it not a fact, Sir, that the Secretary of State made a statement with regard to the establishment of the Royal Commission on Agriculture and thereafter the Government of India have been thinking of getting certain undesirable persons as the personnel of that Commission ignoring the wishes of the agriculturists, the masses, their Ministers and their representatives in the Legislative Assembly? There are 95 per cent. of Indians who are agriculturists, Sir, and against the wishes of those 95 per cent. of the people of India the Government are pulling the wire from behind and are trying to put this personnel on this Commission.

Mr. President: Order, order. It is not a question

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS

389. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state the reasons for the delay in giving effect to the scheme for the separation of judicial from executive functions?

The Honourable Sir Alexander Muddiman: I refer my Honourable friend to the answers I have already given on the subject in the present session

Lala Duni Chand: Will the Government honestly and frankly state if they do not mean what they have expressed all this time?

Mr. President: Order, order

APPOINTMENT OF MR. KENNEDY NORTH AS DECORATIVE ARTIST FOR NEW DELHI.

390. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state whether the services of Mr. Kennedy North, the decorator and designer from England, have been engaged for the purpose of the decoration of arts and crafts in conformity with Sir Edwin Lutyen's designs? If so, will the Government be pleased to state the precise nature and extent of his work? How long will Mr. North stay in India? After his departure from this country will he carry on the work entrusted to him?

The Honourable Sir Bhupendra Nath Mitra: I have nothing to add to the terms of my reply to question No. 284 by Lala Piyare Lal given on the 26th January last.

QUALIFICATIONS OF MR. KENNEDY NORTH FOR APPOINTMENT AS DECORATIVE ARTIST, NEW DELHI.

391. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state Mr. Kennedy North's precise qualifications for the proposed work and his experience of the conditions in India in the matter of art and crafts?

**SCHEME FOR THE ENCOURAGEMENT OF INDIAN ART FRAMED BY THE
PRIZE OF DELHI COMMITTEE.**

892. *Maulvi Muhammad Yakub: Have Government received the scheme for the encouragement of Indian art framed by the Prize of Delhi Committee? Do the Government propose to take any immediate action in conformity with the proposals embodied in the scheme?

The Honourable Sir Bhupendra Nath Mitra: The answer to the first part is in the affirmative. As regards the second part the Government of India propose to consult Local Governments on certain suggestions for the establishment of a Central Art Institute at Delhi.

**SCHEME FOR THE ENCOURAGEMENT OF INDIAN ART FRAMED BY THE
PRIZE OF DELHI COMMITTEE.**

†893. *Maulvi Muhammad Yakub: Are the Government aware of the resolution passed by a public meeting at Bombay in November last demanding that all decorations at New Delhi be stopped until the consideration of the scheme for the encouragement of Indian art, formulated by the Prize of Delhi Committee?

**DIVERSION OF THE PROPOSED RAILWAY LINE FROM CHANDPUR SIAU TO
NEHTORE.**

394. *Maulvi Muhammad Yakub: (a) Will the Government be pleased to state whether they contemplate the construction of a railway line from Chandpur Siau, a station on a branch line of the late Oudh and Rohilkhand Railway, in the Bijnor District?

(b) If so, is it true that Nehtore, in the vicinity of Chandpur Siau, has been left out of the project?

(c) Do the Government propose to direct the Railway Board to re-examine the project and divert the proposed line in such a direction as to include Nehtore in the scheme?

Mr. G. G. Sim: (a) A proposal to extend the Gajraula-Chandpur Branch through Bijnor to Chandok is at present under investigation

(b) and (c) It cannot yet be stated definitely whether the line will pass through Nehtore or not, but as this town is a long way off the direct alignment of the proposed branch, it is hardly likely that a diversion to Nehtore would be financially justifiable

**PROPOSED TRANSFER OF THE CLAIMS BRANCH OF THE EAST INDIAN
RAILWAY FROM LUCKNOW TO CALCUTTA.**

395. *Maulvi Muhammad Yakub: (a) Is it proposed to transfer the Claims Branch of the East Indian Railway from Lucknow to Calcutta?

(b) If so, are the Government aware that the proposed transfer is calculated to cause great hardship and inconvenience to the mercantile community of the United Provinces, and do the Government propose to cancel the proposed transfer?

Mr. G. G. Sim: (a) and (b) As a result of the amalgamation of the Oudh and Rohilkhand Railway and the East Indian Railway and in the interests of efficient administration it was found necessary to remove certain offices from Lucknow to Calcutta; the Claims Office being one of them. Government regret they cannot see their way to cancel the orders which were issued after careful consideration.

†For answer to this question, see answer to question No. 393.

CONSTRUCTION OF THE ROSA-HAPUR BRANCH OF THE EAST INDIAN RAILWAY.

896. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state when the work of constructing the Rosa-Hapur Branch on the late Oudh and Rohilkhand Railway section of the East Indian Railway will be taken in hand?

Mr. G. G. Sim: Government are unable to state at present when the construction of the Rosa-Hapur line will be put through. The first portion Rosa-Budaon-Babrala is not under consideration as it is not likely to be remunerative but the other part is under examination now and a report is expected shortly on a proposal for a line from Rajghat to Bulandshahr which it is understood the Agent considers preferable to a line from Rajghat to Hapur.

CONSTRUCTION OF A SHED OVER THE NEW OVERBRIDGE AT MORADABAD RAILWAY STATION.

897. ***Maulvi Muhammad Yakub:** (a) Are the Government aware that there is no shed over the new overbridge at the Moradabad railway station and that the passengers and railway servants, on duty, are exposed to rain, heat and cold?

(b) Do the Government propose to issue orders for the construction of a shed over the aforesaid bridge and on the platform connecting the bridge with the main shed of the station?

Mr. G. G. Sim: Government are not aware of the inconvenience referred to and would suggest that the matter may be referred to the Agent through the Local Advisory Committee.

REINTRODUCTION OF THE OLD SYSTEM RETURN TICKETS ON THE EAST INDIAN RAILWAY.

898. ***Maulvi Muhammad Yakub:** (a) Are the Government aware of the inconvenience, trouble and disadvantage caused to the travelling public of the United Provinces by the discontinuance of the return journey concession tickets from and to all stations on the late Oudh and Rohilkhand Railway, and the substitution of 45 days return tickets only from and to certain stations?

(b) Do the Government propose to order the reintroduction of the old return-fares ticket system from any station to any station on the East Indian Railway?

Mr. G. G. Sim: (a) No.

(b) No. It was found that the return tickets previously issued were only availed of by a small percentage of the travelling public.

REDUCTION IN INTERMEDIATE AND THIRD CLASS RAILWAY FARES.

899. ***Maulvi Muhammad Yakub:** (a) Are the Government aware that a reduction in the intermediate and third class fares only for passengers travelling over 900 miles is not calculated to give any substantial relief to the poor classes?

(b) Do the Government propose to introduce the reduction of fares for distances over 100 miles in order to give some substantial relief to the poor states?

Mr. G. G. Sim: (a) and (b). The question of reducing passenger fares has been receiving careful consideration by railways and as a result certain railways have reduced or propose to reduce intermediate and third class fares over varying distances according to local circumstances. The effect of these reductions will be watched before making further reductions.

PROVISION OF QUARTERS FOR RAILWAY AND RAILWAY MAIL SERVICE EMPLOYEES AT MORADABAD.

400. ***Maulvi Muhammad Yakub:** (a) Are the Government aware that the Railway and the Railway Mail Service employees at Moradabad are undergoing great trouble and inconvenience for want of residential quarters?

(b) Do the Government propose to take immediate steps for providing the servants mentioned above with residential quarters at some place near the railway station?

Mr. G. G. Sim: The Government have no information. A copy of the question and answer will, however, be sent to the Agent, East Indian Railway, for such action as he may consider necessary.

CONSTRUCTION OF A DEAD SIDING AT FYZABAD CITY RAILWAY STATION.

401. ***Maulvi Muhammad Yakub:** Are the Government aware that the public of Fyzabad, Sahibgunj and Deokali are put to great trouble and inconvenience for want of a dead siding at the Fyzabad City railway station, and do the Government propose to issue orders for the construction of the dead siding mentioned above, as soon as possible?

Mr. G. G. Sim: Government are not aware of the inconvenience referred to. The matter is one that should be referred to the Agent, East Indian Railway, through the Local Advisory Committee.

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+403.

+404.

REPORT OF THE AUXILIARY AND TERRITORIAL FORCES COMMITTEE.

§405. ***Mr. B. Das:** Will Government be pleased to state if they intend to give effect to the Report of the Auxiliary and Territorial Forces Committee?

DEVELOPMENT OF AGRICULTURE IN INDIA.

406. ***Mr. B. Das:** (a) Will Government be pleased to state the nature of the correspondence they have addressed to different Provincial Governments regarding development of agriculture in India?

(b) Have they invited the opinion of non-officials in India on the subject?

† Answered on the 21st January, 1936, along with question No. 39.

‡ Answered on the 26th January, 1936, along with question No. 40.

§ For answer to this question see answer to question No. 38 on the 21st January, 1936.

Mr. J. W. Bhore: (a) and (b). The Honourable Member is referred to the replies given by me to Kumar Ganganand Sinha's questions Nos. 286 and 281 on this subject.

Mr. B. Das: Does that answer apply to (b) of the question, namely, "Have they invited the opinion of non-officials in India on the subject"?

Mr. J. W. Bhore: The reply is in the negative.

Mr. B. Das: Is it the opinion of the Government that non-officials do not know anything about the development of agriculture in India?

Mr. J. W. Bhore: Not in the least.

PREVENTION OF FLOODS.

407. **Mr. B. Das:** (a) Are Government aware that agriculturists in different parts of India suffer terribly from the havoc of floods?

(b) Have Government invited the opinions of the Provincial Governments as to how best calamities due to floods can be avoided?

Mr. J. W. Bhore: (a) Government are aware that considerable damage is caused by floods from time to time in different parts of India, and that great distress results therefrom.

(b) The Honourable Member is referred to the reply just given by the Honourable Sir Bhupendra Nath Mitra.

Mr. B. Das: In connection with part (a) of the question, will it form part of the inquiry of the Royal Commission? Will the Commission go into the effect of floods on the economic condition of the agriculturists?

Mr. J. W. Bhore: My Honourable friend is aware of the terms of reference to the Commission and he must leave it to the Royal Commission to interpret those terms of reference.

Mr. B. Das: I am not at all satisfied with the terms of reference.

Syed Majid Baksh: Will Government be pleased to state whether it is within their knowledge that the floods in Bengal are always due to the high railway embankments raised for the purpose of railway lines?

The Honourable Sir Charles Innes: I am not prepared to accept that statement.

Syed Majid Baksh: Will the Honourable Member concerned be kind enough to read the various reports on the North Bengal floods that were issued under the auspices of the various committees that went there for flood relief, especially the one presided over by Dr. P. C. Ray?

The Honourable Sir Charles Innes: As the Honourable Member knows, the Railway Department had special reports on this subject some time ago and we put in such additional waterways as were thought necessary as a result of those reports.

Syed Majid Baksh: Will the Government of India say that those waterways are sufficient and will not again cause floods?

The Honourable Sir Charles Innes: We have done what we think necessary in the circumstances.

U. Tok Kyi: Have Government received the report of the Flood Inquiry Committee in Burma?

Mr. J. W. Bhore: I am unable to reply to that question without previous notice.

ROYAL COMMISSION ON AGRICULTURE.

408. ***Mr. B. Das:** (a) Do Government intend to appoint any Committee or Commission on the development of agriculture?

(b) Do Government propose to raise discussions on the subject in the Central Legislature and provincial Councils to ascertain popular feelings on the matter before the appointment of such a Commission?

Mr. J. W. Bhore: (a) Yes.

(b) The appointment of the Commission has already been announced.

APPOINTMENT OF MR. KENNEDY NORTH AS DECORATIVE ARTIST FOR NEW DELHI.

409. ***Mr. Chaman Lal:** Will Government be pleased to state whether the services of Mr. Kennedy North, the decorator and designer from England, have been engaged for the purpose of the correlation of arts and crafts in conformity with Sir Edwin Lutyen's designs? If that is so, will Government please state the precise nature and extent of his work? How long will Mr. North stay in India? Will he after his departure from this country carry on the work that has been given to him?

QUALIFICATIONS OF MR. KENNEDY NORTH FOR THE APPOINTMENT OF DECORATIVE ARTIST FOR NEW DELHI.

410. ***Mr. Chaman Lal:** Will Government be pleased to state Mr. Kennedy North's precise qualifications for the proposed work and his experience of the conditions in India in the matter of arts and crafts?

SCHEME FOR THE ENCOURAGEMENT OF INDIAN ART FRAMED BY THE PRIZE OF DELHI COMMITTEE.

411. ***Mr. Chaman Lal:** Are Government in receipt of the scheme for the encouragement of Indian Art framed by the Prize of Delhi Committee? Do Government propose to take any immediate and practical action in conformity with the demands embodied in that scheme?

ENCOURAGEMENT OF INDIAN ART.

412. ***Mr. Chaman Lal:** Are Government aware of the resolution passed by the public meeting in November in Bombay demanding that all decorations at New Delhi be stopped until due consideration and practical form is given to the scheme for the encouragement of Indian Art formulated by the Prize of Delhi Committee?

418—428.||

Mr. Chaman Lal: As regards questions Nos. 418 to 428, I request that they may be treated as unstarred questions in order to save the time of the House.

+For answer to this question, see answer to question No. 380.

+For answer to this question, see answer to question No. 382.

||These questions have been transferred to the Unstarred List for the 2nd February, 1926.

The Honourable Sir Basil Blackett: The answers to questions Nos. 418-428 in so far as they are really of any importance will be laid on the table.

Mr. Chaman Lal: Do I take it that the Honourable Member presumes that the replies are of no importance?

The Honourable Sir Basil Blackett: I referred to the questions.

Mr. Chaman Lal: I referred to the replies

†429.

RUPEE TENDER FOR INDIAN STORES.

480 ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state whether they have come to any decision on the question of Rupee tenders for Indian Stores?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is referred to the reply given by me to question No. 94 by Khan Bahadur Sarfaraz Hussain Khan, on the same subject.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member when Government are likely to come to a decision on the matter which has been pending for the last two years?

The Honourable Sir Bhupendra Nath Mitra: I think if the Honourable Member had listened to the replies I have given in this House to the questions that were put a few days ago he would have realised my position.

Diwan Bahadur M. Ramachandra Rao: I fully realise the difficulties of the Honourable Member, but what we want to know is when these difficulties will be solved and whether there is any likelihood of these difficulties disappearing in the near future?

The Honourable Sir Bhupendra Nath Mitra: I hope so

Diwan Bahadur M. Ramachandra Rao: May I know when they are likely to disappear?

The Honourable Sir Bhupendra Nath Mitra: I made a very full statement on the subject in this House a few days ago in answer to a question, I believe, by Mr. Das and I can only refer my Honourable friend to that reply.

Diwan Bahadur M. Ramachandra Rao: I have heard the reply, but what I wish to know is whether the Government are likely to come to any decision, and, if so, when. This has been pending for two years . . .

Mr. President: Order, order. The Honourable Member need not argue.

Diwan Bahadur M. Ramachandra Rao: I wish to know when a decision is likely to be come to in this matter?

The Honourable Sir Bhupendra Nath Mitra: It is impossible for me to answer that question.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether Government are not in a position to say what time approximately they require to come to a decision on the subject, whether 1 year, or 5 years or 10 years . . .

†Answered on 21st January, 1926, along with question No. 12.

Mr. E. Ahmed: Or never?

Diwan Bahadur M. Ramachandra Rao: Or never?

The Honourable Sir Bhupendra Nath Mitra: Sir, I am sorry I am not a prophet and I cannot meet my Honourable friend. As I said on a previous occasion, the Government of India are trying their best to expedite a decision on the matter.

†481.

RECOMMENDATIONS OF THE LEE COMMISSION RE THE INDIAN MEDICAL SERVICES.

482. *Diwan Bahadur M. Ramachandra Rao: With reference to the answer given to question No. 78, asked at the meeting of the Legislative Assembly held on 25th August last, will the Government be pleased to state whether they have come to any decision regarding the recommendations of the Lee Commission about the Indian Medical Services and place the final orders of the Secretary of State in Council on the table?

Mr. E. Burdon: I would invite the Honourable Member's attention to my reply to unstarred question No. 78 asked by Baboo Runglal Jajodia on the 21st January, 1926.

Dr. K. G. Lohokare: Have the Government noticed a statement in the *Hindustan Times* of the 24th January regarding this question?

Mr. E. Burdon: I have not seen it.

Dr. K. G. Lohokare: Have they received any telegram from medical unions in India regarding this question?

Mr. E. Burdon: I have not received such a telegram.

Dr. K. G. Lohokare: Has the Health Department of the Government of India received such telegrams?

Mr. E. Burdon: I have not received any such telegram. That is the only information I can give you.

Dr. K. G. Lohokare: Is it possible for this House to be given an opportunity to discuss this question?

Mr. K. Ahmed: For the benefit of health?

Mr. E. Burdon: That question was asked and answered a few days ago.

REPORT OF THE TERRITORIAL FORCES COMMITTEE.

483. *Diwan Bahadur M. Ramachandra Rao: Will the Government be pleased to state what action has been taken on the Report of the Territorial Forces Committee and whether it is proposed to give effect to the recommendation of the said Committee?

Mr. E. Burdon: The attention of the Honourable Member is invited to the reply which I gave on the 21st January last to Khan Bahadur Sarfaraz Hussain Khan's starred question No. 20.

†Answered along with question No. 96 on the 25th January, 1926.

APPOINTMENT OF A LOCAL ADVISORY COMMITTEE FOR THE BENGAL NAGPUR RAILWAY.

484. ***Mr. B. Das:** (a) With reference to the reply given to starred question No. 998 of 16th September, 1925, will Government be pleased to state whether the Bengal Nagpur Railway has agreed to appoint a Local Advisory Committee for it?

(b) Will Government be pleased to state if they have allotted a certain number of seats to the Oriyas on this Advisory Committee?

Mr. G. G. Sim: (a) The Honourable Member is referred to the reply given to starred question No. 178 asked by Khan Bahadur Sarfaraz Hussain Khan in this Assembly on the 21st January, 1926

(b) The question of allotment of a certain number of seats to Oriyas on the Advisory Committees was brought to the knowledge of the Agent, Bengal Nagpur Railway.

Mr. B. Das: May I know why the Bengal Nagpur Railway, which is one of the very big railways of India, should enjoy this special liberty and not have an Advisory Board for the public scrutiny of its work?

Mr. G. G. Sim: If the Honourable Member will refer to the reply I have given, he will find that they have already decided to appoint Local Advisory Committees.

Mr. B. Das: May I inquire why it took such a long time to appoint that Committee, while other railways have had their Committees for a long time?

Mr. G. G. Sim: I presume they considered the matter was one requiring very careful consideration.

APPOINTMENT OF INDIANS AS DEPUTY AGENTS ON RAILWAYS.

485. ***Mr. B. Das:** Will Government be pleased to state if they have so far appointed any Indian as Deputy Agent on any Indian Railway?

The Honourable Sir Charles Innes: The reply is in the negative.

Mr. B. Das: Has not the time come to appoint an Indian as Deputy Agent?

The Honourable Sir Charles Innes: No.

RECRUITMENT TO THE SUPERIOR SERVICES OF RAILWAYS.

486. ***Mr. B. Das:** (a) Will Government be pleased to state if in the recruitment of the superior services to the Indian State Railways the recommendations of the Lee Commission regarding the percentage of Indian recruits are being strictly adhered to?

(b) Will Government be pleased to state if the Company-managed Railways have accepted this principle for the recruitment of their superior services?

GRANT OF CONCESSIONS RECOMMENDED BY THE LEE COMMISSION TO EMPLOYEES OF THE RAILWAYS.

487. ***Mr. B. Das:** (a) Will Government be pleased to state if Company-managed Railway employees receive the concessions awarded by the Lee Commission?

(b) Will Government be pleased to specify the Company-managed Railways that have accepted the Lee Commission's recommendations?

(c) Will Government be pleased to specify the Company-managed Railways that have so far not agreed to the Lee Commission's recommendations?

CARRYING OUT OF THE RECOMMENDATIONS OF THE LEE COMMISSION BY COMPANY-MANAGED RAILWAYS.

438. *Mr. B. Das: (a) Will Government be pleased to state if the Company-managed Railways that have accepted the Lee Commission's recommendations have recruited Indians to the superior services in the right proportion?

(b) What check does the Railway Board apply to see that Company-managed Railways do carry out the recommendations of the Lee Commission?

The Honourable Sir Charles Innes: I propose to reply to questions Nos. 436 to 438 together.

The recommendation of the Lee Commission regarding Indianisation is being given effect to on the State Railways. As regards Company-worked Railways a statement on the subject will be made in connection with the Resolution for a Supplementary Grant which it is proposed to bring before this House during the course of present Session.

†439.

GRANT OF THE LEE COMMISSION'S RECOMMENDATIONS TO SERVICES OTHER THAN THOSE MENTIONED IN THE COMMISSION'S REPORT.

440 *Mr. B. Das: (a) Will Government be pleased to state what other services have received the Lee Commission awards besides those mentioned in the Report of the Lee Commission and sanctioned by the Government of India at the outset?

(b) Will Government be pleased to give a list of such services and the amount of extra expenditure incurred for such services during 1924-25, 1925-26 and 1926-27?

The Honourable Sir Alexander Muddiman:

(a) (1) The Bombay Political Department.

(2) The Burma Frontier Service, in so far as sterling overseas pay and passage benefits are concerned.

(b) The extra cost is not readily available, and inasmuch as the Bombay Political Department has been merged in the Indian Political Department since the 10th October, 1924, and the cost of the Burma Frontier Service falls exclusively on provincial revenues, I do not consider that the inquiry would serve any useful purpose.

EXTENSION OF THE RECOMMENDATIONS OF THE LEE COMMISSION TO OTHER SERVICES.

441. *Mr. B. Das: Will Government be pleased to state why the Indian Legislature was not consulted in respect of the extension of the Lee Commission award to other services?

†Answered along with question No. 96 on the 25th January, 1926.

The Honourable Sir Alexander Muddiman: This House has already discussed the Lee Commission Report at length, and Government do not consider that the time of the House would be usefully employed in further discussion of the detailed application of the Commission's proposals.

DR. PILLAI'S MISSION TO INDIA ON BEHALF OF THE LEAGUE OF NATIONS.

442. ***Mr. B. Das:** (a) Will Government be pleased to state whether Dr. Pillai is touring India on behalf of the League of Nations?

(b) Was this tour arranged at the suggestion of the Government of India?

(c) Do the Government of India bear any portion of his touring expenses?

Mr. L. Graham: (a) Dr. Pillai, who is a member of the General Secretariat of the League of Nations, has arrived in India on leave and has been granted an extension of leave by the General Secretariat with a view to his making the organization and activities of the League better known in India.

(b) and (c). No.

Mr. K. Ahmed: And who is Mr. Marvin, who has been misrepresenting things at the cost of the Indian people in that connection?

The Honourable Sir Basil Blackett: Mr. Marvin is a well-known and distinguished Englishman.

Mr. K. Ahmed: Is it not a fact, Sir, that his speech was very much discussed and very much opposed by Mr. Sen Gupta, the leader of the Swaraj Party, on the 15th of this month and that Mr. Marvin had no reply? Is it not a fact that the Government of India have brought Mr. Marvin to misrepresent the people of this country, demoralise the young people here, and mislead the students of History in Indian colleges?

REFERENCE TO THE LEAGUE OF NATIONS OF THE DISPUTE BETWEEN INDIA AND SOUTH AFRICA.

443. ***Mr. B. Das:** (a) Is it a fact that South Africa and India are independent members of the League of Nations?

(b) If the answer be in the affirmative, will Government be pleased to state if they intend to refer to the League of Nations the dispute between India and South Africa?

(c) If not, will Government be pleased to give the reasons?

Mr. J. W. Bhoré: (a) The Union of South Africa and India are original members of the League of Nations.

(b) and (c). The questions between the Government of India and the Government of South Africa are still under discussion between the two Governments. As no decision has yet been reached the matter of referring the dispute to other authorities has not yet arisen.

Syed Majid Baksh: Has the representative of India sitting in the League of Nations an independent right of voting or is he merely voting at the bidding of the British delegate there?

Mr. L. Graham: He votes for India.

Mr. K. Ahmed: Is it not, Sir, that the delegates for India are nominated by the Government of India and the British people, and that the people of India have no voice in the League of Nations at all?

Mr. L. Graham: I have frequently stated that delegates to the League of Nations are appointed by the Secretary of State in consultation with the Government of India.

Mr. K. Ahmed: Are the Government of India aware that India has no voice in the League of Nations and that it is the centre of bandits and dacoits?

Mr. President: The Honourable Member must make his question intelligible and must not cast any reflections.

UNSTARRED QUESTIONS AND ANSWERS.

THE LADY SUPERINTENDENT OF MESSES. BRANDON AND CO., REFRESHMENT ROOM CONTRACTORS ON THE GREAT INDIAN PENINSULA RAILWAY.

74. Haji Wajihuddin: Is it true that the Lady Superintendent of Brandon and Co., refreshment room contractors on the Great Indian Peninsula Railway, is given the privilege of travelling in a first class saloon when going about the line? Are Government prepared to consider the advisability of directing Railways to give a similar privilege to the representative of the "Passengers Protecting Society of India", whose office is in Lucknow, when they go about to study conditions of Indian travel?

Mr. G. G. Sim: The reply is in the negative

THE PUBLIC SERVICES COMMISSION.

75. Baboo Bungal Jajodia: With reference to the answers to starred question No. 79 on the 26th August, 1925, will the Government be pleased to state:

- (a) when the proposed Public Service Commission is going to be appointed;
- (b) what are proposed to be its powers and duties;
- (c) what is the gist of the Government of India's communications to the Secretary of State and his replies thereto; and
- (d) whether this Assembly will be consulted in the matter in connection with the functions of the Committee referred to in part (b)?

The Honourable Sir Alexander Muddiman: I would refer the Honourable Member to the answer given by me to Mr. Gaya Prasad Singh on the 21st January, 1926.

THE SINGAPORE NAVAL BASE.

76. Baboo Bungal Jajodia: With reference to starred question No. 80 on the 26th August, 1925, will the Government please state;

- (a) the extent of India's supposed commitments in the construction of Singapore Naval Base; and
- (b) to what extent India is interested in the said scheme?

Mr. E. Burdon: (a) I do not understand what my Honourable friend means by "supposed commitments", but so far as I am aware, India is not committed to any action or liability, financial or other, in connection with the construction of the Singapore Naval Base.

(b) I have already indicated the extent to which India is interested in the scheme in my reply to the question cited by the Honourable Member.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

77. Baboo Runglal Jajodia: (a) Will the Government be pleased to state to this House the main points in the replies of Local Governments in the matter of the separation of judicial and executive functions?

(b) Will they further state whether the Government of India have been able to come to any definite opinion in the matter, and if so, to what effect?

The Honourable Sir Alexander Muddiman: I invite a reference by the Honourable Member to the answer given to-day to Mr. Gaya Prasad Singh's starred question No. 295.

REPORT OF THE INDIAN TERRITORIAL FORCES COMMITTEE.

78. Baboo Runglal Jajodia: Will the Government please state:

(a) the general trend of the replies received from Local Governments regarding the Report of the Territorial Committee: and

(b) whether they propose to consult the opinion of this House in the matter?

Mr. E. Burdon: (a) As the Report of the Committee is still under consideration, the Government of India are not prepared to make any statement at the present moment on the subject of the Honourable Member's inquiry. The question of publishing the correspondence which has taken place with Local Governments will be considered

(b) The Government of India are not in a position to make a statement on the subject at the present moment.

DISCOURAGEMENT OF OPIUM SMOKING.

79. Baboo Runglal Jajodia: (a) Will the Government state what action they propose to take for the discouragement of opium smoking and propaganda in connection therewith?

(b) Will the Government lay before this House a copy of their communication to the Local Governments in the matter?

(c) Will the Government be pleased to state the main points in the replies from the local Governments?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to my reply to his unstarred question No. 64, dated the 21st January, 1926.

PUBLICATION OF THE FIJI DEPUTATION REPORT.

80. Baboo Runglal Jajodia: Will the Government state the present stage of their communications with His Majesty's Government relating to the Report of the Fiji Deputation and when the same is proposed to be published?

Mr. J. W. Bhore: The attention of the Honourable Member is invited to the reply given by me on the 21st January, 1926, to part (d) of Mr. Gaya Prasad Singh's question No. 78 on the same subject.

ACTION TAKEN ON THE MAJORITY REPORT OF THE NORTH WEST FRONTIER INQUIRY COMMITTEE.

81. **Mr. M. A. Jinnah:** (a) Will Government be pleased to state what steps have been taken with reference to the North West Frontier Inquiry Committee's Report, dated the 30th of November, 1922, and the recommendations contained therein?

(b) Will Government be pleased to state the reasons for the delay in giving effect to the Majority Report of the North West Frontier Inquiry Committee?

(c) Will Government be pleased to state whether they will give effect to the recommendations of the Majority of the Committee?

(d) If yes, how soon?

Sir Denys Bray: For the various matters of detail in the North West Frontier Inquiry Committee's Report on which action has already been taken, I would beg to refer the Honourable Member to the statement I made in the Council of State on the 16th March last. The appointment of an additional Judicial Commissioner and the creation of a Bench of two Judicial Commissioners, which is a cardinal feature of the Majority Report, will very shortly be announced. Owing to the intrinsic difficulties of this very important question, the Majority recommendation for a local Council is still under consideration.

EUROPEAN AND INDIAN I. M. S. OFFICERS IN CIVIL EMPLOY.

82. **Mr. M. A. Jinnah:** (a) What is the total number of the Indian Medical Service officers to be employed on the civil side?

(b) How many of them are at present Indians and how many Europeans?

(c) What would be the total number of Europeans who would be required, if the policy of securing attendance of European doctors on the European personnel of the All-India Services and their families was carried out?

Mr. J. W. Bhore: (a) The present cadre of Indian Medical Service officers on the civil side is fixed at 417 but this number is not at present employed.

(b) 819 European and 74 Indian Medical Service officers are employed on the civil side.

(c) An estimate is not yet possible. The question is being examined.

GRIEVANCES OF POSTAL EMPLOYEES.

83. **Mr. Jamnadas M. Mehta:** Will Government be pleased to lay on the table the decisions arrived at by them in the matter of the grievances discussed by the Honourable Member in charge, Industries and Labour, with the deputation of the representatives of postal employees in March, 1925?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is referred to the reply given by me on the 26th January to question No. 182 asked by Khan Bahadur Sarfaraz Hussain Khan.

PERIOD OF ATTENDANCE OF SORTERS OF THE ROYAL MAIL SERVICE AT VICTORIA TERMINUS.

84. Mr. Jamnadas M. Mehta: Is it a fact that under the local orders of the Superintendent, Royal Mail Service, the sorters working in B-6, B-7, and B-13 Sections are required to be present on the platform at Victoria Terminus for one hour and thirty minutes or more before the departure of the train? And if so, is the time thus spent on the platform calculated in counting the working hours per week?

Mr. G. P. Roy: Yes. The question of reducing the period of such attendance has already been taken up.

The reply to the second part is in the negative.

AMOUNT OF GRATUITIES PAID TO THE FAMILIES OF DECEASED POSTAL OFFICIALS IN THE BOMBAY PRESIDENCY.

85. Mr. Jamnadas M. Mehta: (a) Will Government be pleased to lay on the table the rules governing the grant of gratuity to the members of the family of a deceased postal official of the clerical, postman or inferior class?

(b) Will Government state the number of postal employees, the total amount given as gratuity and the length of service of deceased officials in whose cases such gratuities were sanctioned in the Bombay Presidency during the last year?

Mr. G. P. Roy: (a) A copy of the rule is laid on the table.

(b) Gratuities amounting to Rs. 2,978 were paid to the families of 38 deceased officials who rendered services for periods varying between 28 days and 35 years.

Rules regarding the Post Office Guarantee Fund.

5. II. The fund shall be applied to the purpose :

* * * * *

(e) of paying gratuities, in very special circumstances, to the families of deserving Post Office servants left in indigent circumstances by the premature death of the individuals upon whom they depend for support and to Post Office officials who are, owing to no fault of their own, physically or mentally incapacitated for further service before they have earned pension, subject to the condition that in no single case shall the gratuity exceed Rs. 500 and that the total amount of the gratuity sanctioned in any one year shall not exceed 25 per cent. of the surplus of the Fund of the preceding year.

REVISION OF THE CONTINGENT ALLOWANCES OF POST OFFICES.

86. Mr. Jamnadas M. Mehta: (a) Will Government place on the table their decision, if already arrived at, in connection with the revision of contingent allowances to Postmasters, as stated in their reply of the 7th September, 1925, to unstarred question No. 128?

(b) If not, do Government propose to revise these allowances this year?

Mr. G. P. Roy: (a) A copy of my letter No. 257-A./24, dated the 16th November, 1925, to Heads of Postal Circles is placed on the table.

(b) Does not arise.

Posts and Telegraphs.

No. 257-A./24, Calcutta, the 16th November, 1925.

From

The Director-General of Posts and Telegraphs,

To

All Postmasters-General and Deputy Postmaster-General,

Sind and Baluchistan.

SIR,

With reference to the correspondence ending with your reply to this office letter No. 257-A., dated the 31st July, 1924, I am directed to say that the Director-General has been pleased to lay down the following revised formula for calculating the contingent allowance to be granted to post offices:—

- | | | |
|---|---------|------|
| (1) Cost of closing and sealing one bag daily | 20 pies | P.M. |
| (2) Cost of stationery for each member of the supervising and clerical staff (excluding reserve clerks) | 5 annas | " |
| (3) Cost of burning one lamp for one hour daily throughout the month | 8 annas | " |
| (4) Cost of burning one lantern for one hour daily throughout the month | 4 annas | " |
| (5) Cost of affixing 100 seals to insured envelopes closed | 1 anna | " |

2. This formula for fixing the contingent allowance should be applied to all post offices, head, sub and branch, subject to a minimum of Re. 1.

3. For offices in special localities, however, the rates may be increased or decreased at your discretion, but for any increase above 25 p. c. the case should be submitted for the orders of the Director-General.

4. The amount of contingent allowance fixed according to these instructions may include a fraction of a rupee, but a fraction of an anna should be rounded off to the next higher anna in the case of a branch office and to the nearest four annas in the case of a sub or head office.

5. I am to ask you kindly to review the sanctioned contingent allowances for all head, sub and departmental branch offices on the principles enunciated above, and to revise the allowances to the extent necessary out of the funds at your disposal. If you are unable to carry out the entire revision this year from the allotment at your disposal you should submit as soon as possible an estimate of the extra cost involved, if any, in revising the present rates.

I have the honour to be,

SIR,

Your most obedient servant,

H. A. SAMS.

Deputy Director-General.

LOCATION OF A LATRINE OVER A MUSLIM GRAVEYARD IN PESHAWAR CANTONMENT.

87. Haji Wajihuddin: Is it a fact that the Cantonment Authority at Peshawar is responsible for putting a public latrine over a Muslim graveyard outside Babbar Gate in Peshawar Cantonment, and if so, what action do the Government propose to take in the matter?

Mr. E. Burdon: I am inquiring into the matter and will let the Honourable Member know the result as soon as possible.

I had previously received a representation on the subject from parties interested and I gather that the incident referred to took place in 1908.

EXPULSION OF MUNIR KHAN, A CONSERVANCY JAMADAR FROM RISALPUR CANTONMENT.

88. Haji Wajihuddin: Is it a fact that one Munir Khan, a Conservancy Jamadar of Risalpur Cantonment, has recently been expelled from the said Cantonment "within one minute" from receipt of order and, if so, will the Government be pleased to state reasons and refer to the provision of law under which the said order was served on him?

Mr. E. Burdon: I am inquiring into the matter and will let the Honourable Member know the result as soon as possible.

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member): With your permission, I desire to make a statement on the probable course of official business during the next week.

On Monday, the 1st February, it is proposed to make motions to take into consideration and pass the following Bills:

1. The Madras Civil Courts (Amendment) Bill,
2. The Guardians and Wards (Amendment) Bill,
3. The Small Cause Courts (Attachment of Immoveable Property) Bill, and
4. The Indian Lunacy (Amendment) Bill.

On the conclusion of this matter, which, it is hoped, will be treated as non-controversial, the consideration stage of the Trade Unions Bill will be resumed and it is hoped to conclude it. The motion for passing the Bill will not in any case be made till Wednesday, the 3rd February. On conclusion of the consideration stage, the remainder of the business placed on yesterday's agenda, that is to say, the Bill to determine the liability of certain Governments to taxation in British India in respect of trading operations and the Contempt of Courts Bill, will be taken.

A motion will be made for leave to introduce a Bill further to amend the Code of Criminal Procedure. The elections to the Public Accounts and Standing Finance Committees will be held immediately after questions on the same day. On Wednesday, the 3rd February, it is proposed to move a Resolution, of which I have given notice, regarding the appointment and emoluments of persons having Indian experience to the Privy Council and to resume discussion of the Resolution on Standing Committees to deal with Bills relating to Hindu and Muhammadan Law, the discussion of which was adjourned on the 17th September last. The Railway Supplementary Demands will be presented on the same day. Thereafter, if time allows, leave will be asked to introduce a Bill to amend the Indian Tariff Act and a further Bill to amend the Indian Income-tax Act.

Honourable Members are already aware that Tuesday, the 2nd, and Thursday, the 4th, have been allotted for non-official Resolutions and Bills, respectively.

RESOLUTION *RE* UNEMPLOYMENT AMONG THE MIDDLE CLASSES.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhamadan Rural): Sir, with your permission I beg to move the Resolution, of which notice has been given by Kumar Ganganand Sinha. The Resolution is in the following terms:

"This Assembly recommends to the Governor General in Council that he may be pleased to appoint a Committee having a non-official majority to investigate into the problem of unemployment among the middle classes and suggest remedies for the same."

I have to apologize to the House, Sir, in that, having had such short notice giving me authority to move this Resolution, I am not in any way competent to deal with this vast and comprehensive subject, of which my friend Kumar Ganganand Sinha gave notice to the Assembly. Sir, this problem of unemployment of the middle classes is one which I know has been exercising the minds of all sections of this House, not merely the non-official but also the official sections. It has also been exercising the minds of a very large class of people outside the House. The question of unemployment is one in which the public takes a good deal of interest, and, in so far as the question of general unemployment is concerned, we are all aware that the problem is very acute in western countries at the present moment and there have been acute controversies going on in England and on the Continent as to the best way of meeting the unemployment problem there.

The present Resolution, Sir, deals only with one particular phase of unemployment, that is, of the middle classes. So far as the unemployment of the poorer classes is concerned, we all know the old adage that the poor are always with us; the unemployment problem of the poor is the whole economic problem of this country. But, Sir, that problem has been left unsolved by the Government of this country, on whom we consider lies the primary responsibility for the solution thereof. We have always urged on this side of the House, Sir, that the low economic condition of this country, the rank poverty and semi-starvation in which millions of people in this country are kept, is due to the economic results of the foreign domination that exists in this country. Therefore, so far as that is concerned, it is a perpetual problem; it is a vital problem upon which this House is much exercised; for, as we conceive it, so long as we do not get Swaraj, so long as this country is going to be under the domination that now exists, and so long as the existing system of administration continues to be what it is, there will be no real or lasting solution of this problem.

But, Sir, so far as the immediate question before the House is concerned, we say that is a phenomenon which has been growing in recent times to alarming proportions. This middle class unemployment is one which has been seen by us in various forms at various stages. Some years ago we had the unemployment of those who used to be called failed B. As. or failed Matriculates. It was then supposed, Sir, that those who graduated from the Universities and those who had a decent sort of education were able to find employment, particularly in the services. Sir, that phase has passed. We have now a very large unemployed class of the intellectual proletariat. We have not only the failed B. As. who are unable to find employment; we have also the B. As. who are unable to find employment, and the problem of the graduate clerks, the unemployed B. As. who cannot get clerkships, has been growing apace for some years. The question of dealing with these

qualified educated people was always answered by those on the Government side by saying, "Oh, this system of intellectual education is wrong. Macaulay's policy was wholly wrong. This country should have had its youth educated in the technical lines. They should have been educated for industrial purposes", and so forth.

Sir, there was a period during which many of us thought fit to deflect our young men from the ordinary University courses into technical colleges, into engineering and medical colleges, etc. Then we started associations for the purpose of sending these people to foreign lands to learn special industries or technical pursuits. We spent a lot of money on them. And, Sir, when they all returned, we had the additional problem of not even being able to find employment for the technically qualified youth of this country who belong to the middle classes and who have been at great pains to spend money and labour and time to acquire technical knowledge. They are without employment. I know that when His Highness the Gaekwar of Baroda took special steps to send youths from his State years ago to learn special industries abroad, when they came back he was unable to find employment for them. I was told at that time of one case in which a man went to Switzerland to learn the intricacies of watch making, but when he came back His Highness was not able to find employment for him and offered him a post as a Naib Subadar, or a sort of Tehsildar in a petty taluq. And so, Sir, we now find in this country failed B. As., Matriculates, passed B. As. and passed specialists, all of them without employment. What is the reason for this state of things? It is easy to say that the system of education is wrong. It is easy to say that you should not crowd into the public services; it is easy to say that you should not crowd into the Bar; it is also easy to say that the best thing anybody can do who cannot find employment is to become a journalist. I have the misfortune to see every day half a dozen young men of parts and ability coming to me and asking for some employment in the field of journalism. And we know that the profits in the profession of journalism are very small indeed in this country. (Mr. M. A. Jinnah: "Question?") As a whilom Director of one of the best papers in the country you ought to know that. (Mr. M. A. Jinnah: "I know that my Honourable friend is flourishing.") And I am trying my best to employ as many as I can. I have at least a dozen people whom I have recently employed in this behalf. Therefore, I am only referring to that, Sir, to point out that the scope for the employment of this middle class is extremely limited, and, if we go into the whole of this matter and try to examine what the real cause of all this is, I think we must arrive at the conclusion that the real cause of all this is the poverty of this country—the very low economic condition of this country, and the inability of this country to increase its wealth according to the resources which it has at its command. We find, Sir, that in this country there has been, to use an economic phrase, an increasing pressure of population on the means of subsistence. We find, Sir, that while this is going on, such increase of production as is taking place in this country is subject to that continual process of economic drain of which we have repeatedly complained on this side of the House and in respect of which the Government of India have so far done nothing to alleviate our lot. Therefore, Sir, the whole position is that we being poor as we are, we being subject to this domination of an alien system of Government, we being subject to this continual process of drain, we find, Sir, that this question of unemployment has not been merely confined to the very poor of this land, it is going on extending to

[Mr. A. Rangaswami Tyengar.]

the middle classes, to the intellectual classes, to the highly trained people, and to many people who have, in the expectation of improving their prospects in life, spent their all in acquiring a skill and knowledge which they find they can not turn to account. The problem is really becoming very acute.

I find my Honourable friend, Sir Sivaswamy Aiyer, has put down an amendment which seeks to specify more particularly the directions in which the Government can find something to mitigate the present position. As I said, Sir, I do not think these palliatives are really going to solve the problem. I think the problem can only be solved when the Government of this country feels a real responsibility for the existence of this poverty in this country, when the Government feels that every Indian who is starving is its own countryman, is a man for whose moral and material welfare it is responsible, and this will not be as long as there is no Swaraj in this country. But to the extent to which the present situation can be alleviated I think it is the duty of this House and it is the duty of the Government alike to find as many palliatives as they can. Sir, many palliatives have been suggested, and, as I said, Sir Sivaswamy Aiyer has suggested some. I have no objection to the adoption of any of these courses, but, Sir, along with that I would like to suggest one which, Sir, our great and revered leader, the late Deshabandhu Das, propounded in many of his famous speeches, and that is that we should go about and reconstruct our villages, and in the work of that reconstruction our educated youth should be employed to effect and to advantage. That is a scheme, Sir, in which so many of these people could find useful and legitimate employment and assist in the production of more wealth. That scheme, Sir, was, however, by no means encouraged by the Bengal Government to whom he offered the same. I expect, Sir, that the Government of India at any rate will look at this problem of village reconstruction as one of the principal means by which this unemployment problem may be solved. I do not want, Sir, to weary the House by elaborating any platitudes. (Laughter.) The problem is very acute, and I would request the Government to consider this matter in a thoroughly sympathetic way, to see that here is a matter of constructive statesmanship to which they can usefully apply themselves instead of trying to parry questions or Resolutions in this House by various devices. I appeal therefore to the Government side to accept this Resolution and to do the needful.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): Sir, I beg to move the amendment which stands in my name:

"That for all the words after the words 'to investigate' the following be substituted:

'the problem of unemployment among the educated classes of India and devise suitable remedies whether by a system of industrial and technical education, or by a revision of the existing system of education, or by offering encouragement to the starting of new industries, or by opening new avenues of employment, or by the establishment of employment bureaux, or by all these or any other means.'

Sir, the object of my amendment is to make the original proposition a little more definite and a little more suggestive. I gave notice of a Resolution in these terms more than a year ago, and as it has not been my good fortune to draw this Resolution at the ballot, I have been obliged to move my Resolution in the shape of this amendment. Now, Sir, as regards the

scope of this Resolution, let me point out first that, while I do not ignore the general problem of unemployment of labour, this Resolution is not meant to raise that question. It is meant to raise the somewhat more limited but nonetheless acute problem of unemployment among the educated classes. As regards the general problem, it may be dependent upon various temporary causes, such as seasonal fluctuations, trade cycles, and so on. But as regards the problem of unemployment of the educated classes, it is due, I believe, to much deeper causes, causes not of a temporary character. It is largely due to a lack of adjustment between the system of education now in force in the country and the needs of industrial progress.

As to the existence of this evil, I do not think that any proof is required. Everyone who is acquainted with the conditions of this country is aware how widespread and how acute this problem is among the educated classes. It has attracted the attention of some of the Provincial Governments and it has attracted the attention of the public in some at least of the Provinces. For instance, in Bengal a Committee was appointed in 1922 to inquire into the question of unemployment, and this Committee under the Chairmanship of Dr. Meek has presented an excellent and very valuable report on the subject, a report which contains many suggestions which it is desirable to have carried out. In Bengal the question has also engaged the attention of the University and of the late Vice-Chancellor, Sir Ashutosh Mukherji. There is an Indian Polytechnic Institute founded by the Maharaja of Cossimbazar, and the Principal of that institution, Captain Pctavel, has been carrying on propaganda in this direction, for the purpose of making education self-supporting and for the purpose of reducing the problem of unemployment among the educated classes. I understand also that in the province of Madras a Committee has just been appointed to inquire into this question.

The problem now before us is this. Are these local and separate efforts on the part of one or two provinces sufficient to deal with this problem? The first question is, are you satisfied with regard to the existence of this evil? I have no doubt that there can be no difference of opinion on that point. The problem requires to be considered with every sympathy and has to be grappled with in earnestness and by continuous effort. It may perhaps be said that this is a problem which has to be dealt with by the provinces and not by the Central Government, as Education and Industries are provincial subjects and not Central subjects. It is of course true that Education and Industries are provincial subjects, but I believe that that does not prevent the Central Government from making investigations into a question like this, from trying to find out what the present situation is, what the causes are and what the true remedies are and by whom they ought to be tackled. It is a problem, I realise, of very great magnitude. Conditions vary in the different provinces. It may perhaps be said that the problem is not acute in all the provinces. I do not know. Speaking for Madras and I think, speaking from second-hand knowledge of Bengal, the problem is certainly extremely acute in these two provinces. That the problem exists in an acute shape in the other Provinces also is my belief. If it does not, I dare say the spokesmen of those Provinces will say whether the problem exists in those Provinces or not. Now, having regard to these facts, the widespread extent of the problem and the extremely complex character of it, impinging as it does upon a number of questions connected with our educational system, with our economic condition and our social conditions, the problem requires to be dealt with in a

[Sir P. S. Sivaswamy Aiyer.]

comprehensive way by a co-ordinated effort and by such machinery as the Central Government alone can command.

With regard to the technical objection that it is a provincial subject and not one to be dealt with by the Central Government, I would ask the Government to follow the excellent example which has been recently set of the appointment of a Royal Commission on Agriculture. Agriculture is a provincial subject and not merely provincial but a transferred subject; still a Royal Commission has been appointed. Perhaps it may be said that a Royal Commission is above all these laws which divide subjects into provincial and central. If the expenses of the Royal Commission were paid for by the British Government, that explanation would be intelligible, but the expenditure has, I believe, to be met out of the revenues of the Central Government, and therefore it must be justified under the scheme according to which subjects are divided into central and provincial and our expenditure is divided into central and provincial. If an extensive inquiry into the conditions of Agriculture is permissible by the Central Government and if the expenditure can be defrayed out of the revenues of the Central Government, I conceive that an inquiry like the one which I am asking for can be equally met from the revenues of the Central Government. Then, Sir, it may be said that it may perhaps wound the susceptibilities of Provincial Governments if the Central Government embarks upon an inquiry which is entirely within the province of the Provincial Governments. I, for one, do not believe that the Provincial Governments are likely to entertain any such sensitiveness or susceptibility on this matter, but, on the other hand, they would in all probability be glad if the burden of this inquiry could be taken off their hands and conducted by the Central Government themselves. Then, again, it may be said that there is an inquiry to be started in Madras, that there has been an inquiry completed in Bengal and that we should wait and see. Now, the answer to that is that this process of waiting and seeing the results will involve an enormous amount of delay. This Committee in Bengal was appointed in March 1922 and it submitted its report some time about the end of 1925, more than 2½ years after it was appointed. We do not know when the Madras Committee is going to send its report. The problem is no doubt one which has to be examined from various aspects and will require very considerable time; but the sooner the inquiry is started the better. If we are to go on waiting for the results of the Committees which may be appointed or may not be appointed by the Provincial Governments, we should have to wait for an indefinite length of time. I trust therefore that the Government will not meet this proposition merely with a show of sympathy and shelve it quietly. The problem is one which requires not to be shelved with sympathy but to be grappled with in all earnestness and I do hope that the Central Government will make up their mind to accept this proposition and do what they can to solve these problems.

We may be asked how do you expect this problem to be solved? Is it not one of an immensely difficult character dependent upon so many factors, upon the character of the people, upon the educational system and various other things. The fact that it is complicated renders it all the more urgent, that not a day should be lost in dealing with it. I do not believe that the Government is omnipotent, or even omniscient, but I do believe that the Government can as a collective organisation do a great deal more than a mere private individual can do and that it requires the application of several minds and co-ordinated effort to arrive at some solution of this

problem. In my own mind there seem to be two or three very radical defects in our present condition which require attention. The system of education which is now in force is conspicuous for its want of touch between the requirements of the employers and the courses of instruction and the standards of instruction and the facilities for training. We have several technical institutions such as Engineering Colleges, but their chief defect is that the products of the colleges when they are turned out are informed that their education has done them no good for want of practical training. What we want is a co-ordination between the theoretical and the practical sides of technical education and a co-ordination between the needs of employers and the needs of industrial progress and the educational facilities in the country.

There are other defects no doubt which can be easily pointed out. In these and various other directions the problem should be attacked. There is, for instance, one question which, to my mind, is very important and which I am sorry to say has not been pursued in any detail by Dr. Meek's Committee. That is the question of small industries. The existence of openings for employment depends upon the economic progress of the country. That, again, depends upon a number of factors, such as capital, initiative, enterprise, co-operation and so on. There is one direction in which it is absolutely necessary to consider the possibilities of development and that is the possibility of starting small industries which do not require much capital and which by the employment of a certain amount of labour-saving machinery in substitution of manual labour may enable people with limited means to carry on small industries with a fair measure of profit. No sufficient investigation has been made into the possibilities of this question by the Committee in Calcutta. In this and various other directions it is quite possible for a Committee to arrive at some tangible remedy for this crying evil. I hope, therefore, that the Government will accept this Resolution and make an effort to deal with this evil which is productive of very great discontent among the rising generation. The discontent may be economic in its origin in many cases but it is bound to lead to political discontent and it is the duty of the Government to remove the causes of this discontent and grapple with this evil, the gravity of which, I am sure, will be recognised by the Government as well as everybody here. The question therefore now is: Is it the desire of this House that a really comprehensive inquiry into this question should be undertaken by the Central Government or is it merely to be left to be dealt with by the various Provincial Governments as they choose? I hope that the House will agree with me as to the necessity for an inquiry by the Central Government and therefore I commend my amendment to the acceptance of the House.

Of course, we may be told that there are caste prejudices and that the young men of India belonging to the educated classes are themselves to blame to a large extent for want of employment. But I believe that these causes, though they did exist to a very great extent at one time, are disappearing. Caste prejudices do exist even now to a certain extent. For instance, if you tell our educated men to undertake menial labour or some kind of employment which involving manual labour alone is a mere blind alley without prospects, there may be an objection. But to manual labour by itself the objection has been fast disappearing and I know from my personal knowledge that even among the most conservative classes in Southern India, namely, the Brahmins, the objection to manual labour has largely disappeared. I have been in Engineering Schools in various parts of India—

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in Bangalore, in Jamshedpur and other places and I know that even the Brahmin lads who have been taken as apprentices or students have been working as hard as members of any other classes. So, I do not believe that it is caste prejudices that stand in our way. It is the want of variety of walks of life, the absence of industrial expansion and the defects in our present system of education that are responsible for this present deplorable situation. I hope, therefore, that we shall receive not merely the lip sympathy of the Government but their earnest attention to this question by the appointment of a Committee to investigate the whole subject.

Mr. S. Sadiq Hasan (East Central Punjab: Muhammadan): Sir, if we were to accept the Resolution as it stands, it would mean the exclusion of poor classes of people from the benefit of this inquiry although we know that they are the greatest sufferers in this matter and deserve our full sympathy. It is a common fallacy to believe that unemployment exists only among the middle classes and that the poorer classes of people can find sufficient work. Sir, from my personal experience as an employer of labour I can say that it is not true. The question of employment affects all classes of people except the idle and unemployed rich, and no one would be more glad than myself if they could be made to work if not for themselves at least for the good of society.

I do not say, Sir, that general poverty has necessarily increased since the beginning of the British rule, but I do say that, when there was no big modern industrialism in India, people lived on agricultural lands and if they did not roll in luxuries, they at least got enough to live upon. When there was no wholesale exportation of grain, the people at least found sufficient to eat. Famines were exceptional cases of course. But now, although these acute famines are fewer, on the other hand there are everlasting scarcities. On one side grain is exported and thus the prices of foodstuffs are always at famine rates; on the other hand unemployment caused by foreign competition has deprived the people of the means where-with to buy.

In England there is unemployment, but the Government provide for the unemployed. Various methods are adopted to give them work, and, if it is not possible the State at least provides them with the necessities of life. The question of employment is a gigantic problem for India and it will be the first duty of the Swaraj Government to tackle it. But we cannot postpone the question till the dawn of that millenium. We have to investigate the causes and suggest remedies. In my opinion, Sir, the introduction of new industries is absolutely essential. The revival of old industries is not quite sufficient. The *charkhâ* although very helpful cannot alone solve the problem of the unemployed. We do not want the Government to help big capitalistic industries; they can take care of themselves. We want small modern factories in all parts of India which will make it easier for men with small capital to start factories and thus give employment to a large number of people. But this is not sufficient. Even this would not solve the problem and it would be necessary to introduce small machineries in cottage industries which should enable them to compete with foreign goods.

Sir, I am an optimist and I firmly believe in the inherent goodness of human nature. I certainly think, Sir, that most of our fellow beings who go astray and choose the ignoble paths of life do not do so from any innate viciousness of their natures but are compelled by circumstances.

If we could give them a chance, may be, they would make very good citizens. Who can tell how many men and women, capable of good and great things, are driven to the ruin of their lives and souls? Only a superhuman record keeper can gauge the loss thus sustained by humanity every day.

Both in the cities and villages there are a large number of women who can find no work. If they could be given work, if co-operative associations to give them work could be started, centres for training them in small industries could be established, and their productions sold in the markets, I am sure, Sir, this would markedly affect the economic well being of the people. The Government ought to be aware that there is a large number of widows and other helpless women who are actually starving. The signs of prosperity visible in this House are not unfortunately universal in the country. There are millions of people starving and certainly it is the duty of the Government to do something for them. The well being of the industrial labourer is very important, but still more important is the employment of those people who have not even those imperfect means of livelihood.

We have before us the example of the Salvation Army, and we can certainly follow their methods of employing people. If co-operative societies are formed by the Government I am sure thousands of people will benefit by them. The utter disregard by the Government of this vital question has aroused bitter feelings in the country. It is not too late even now. I earnestly hope that the Government will lose no further time and will appoint a Committee to investigate the problem of unemployment and suggest remedies for the same. With these few words I move that the words "among the middle classes" be omitted.

***Maulvi Abul Kasem** (Bengal: Nominated Official): Sir, it was said when this Resolution was being discussed that we would not be satisfied with only an expression of sympathy from the Government, but would expect the Government to appoint this Committee. Nobody denies that the question of unemployment is a keen and an acute one, and it is a question not peculiar to India only, but to other countries as well; but at the present moment, for various reasons, it is more acute in India than elsewhere. I am sorry I cannot agree with the terms of this Resolution, because I am not one of those who believe that the panacea for all evils is the appointment of a committee. (Hear, hear.) This Resolution says that a committee consisting of officials and non-officials, with a non-official majority, shall be appointed. For the consideration of this question no political issues are involved, and therefore it is not a question of official or non-official; it is a question of experts that is to be considered, people who have knowledge and experience and can say what remedies should be adopted. If I may be permitted, Sir, to suggest what is the best course for my countrymen it would be to appoint a committee of experts themselves purely non-official, and presided over by a non-official gentleman, and to consider the question and submit a report for the consideration of the Government, and then we will be in a position to consider and report, and as Members in this Assembly we can press upon the Government to take such action as we deem necessary as the result of the report of that Committee. Whether the committee is appointed by non-officials

[Maulvi Abul Kasem.]

themselves or by Government, it will have to submit a report to Government, and then the Government will be in a position to consider the report and they may reject the recommendations or accept them. If that is so, why not appoint a committee of our own instead of leaving it to the Government to appoint that committee.

My friend opposite, who moved the Resolution, said that the real cause of unemployment in this country is poverty, that the poverty is due to foreign domination, and that there is no remedy. So far as I could gather from him, there is no remedy other than the removal of the foreign domination. I think the appropriate course would be for us to work for the removal of the foreign domination and not to talk of solving the problem of unemployment; but that is beside the mark. We have to consider the Resolution as it stands.

Reference has been made to a Committee appointed in my province, which made certain recommendations which are now under the consideration of the Government of Bengal. I think the Government of Bengal has taken a pretty long time to consider that report, but it is for Members of the Legislature in Bengal to press these recommendations on the Government and force the Government to take action. At the same time I cannot ignore the fact that the question of unemployment is a great question which should be tackled by the Government with their departmental experience, and some steps ought to be taken.

Sir Sivaswamy Aiyer mentioned certain institutions for the technical education of our boys in Bengal. I may add that there is a Bengal Technical Institute, but the organisers of that institution find it a difficult problem to work it out because it is only generally the failures of Universities that seek admission there. What we want for our industrial and technical schools are the best brains of our young men and not those rejected by the Universities. In my part of the country I think a great deal is due to the fact that the profession of law is a very fascinating one for my countrymen, and naturally every one who comes to a school looks forward to the law courts as the fittest place for his activities and aspires to attain the position of Rash Behari Ghose. It is only when he fails that he looks for other avenues of employment. Therefore, Sir, I think the people of this country should exercise their influence with their young men, I mean to say their desirable young men, to join technical institutions.

There is another matter. It has been said, and said with a great deal of force and justice, that even our technically qualified candidates seek employment and cannot get it. For that I have to say that the people ought to start industries and demand from the Government such assistance and help as is necessary. The Government during the last two years have been rather lavish of their help and assistance to certain industries in this country and I think we can fairly claim that, when the Government, with the concurrence of this House, has supported those industries, both by giving them protection and also money help, we, their countrymen, can demand that those industries should employ our technically qualified men or train men for such employment.

I think my friend Mr. Sadiq Hasan said that we should help the industries so that they can compete with foreign manufacturers. I entirely agree with him. I want to remind him that he himself is the owner of a

great manufacturing concern, but his goods are sold mostly out of India. It is a flourishing business, and employs a very large number of men, both of the middle class and of the labouring class, and they are doing very well. If our wealthy men and men of education and culture will follow the example of Mr. Sadiq Hasan's family, I think they can give employment to a large number of people and increase the national well-being by selling our goods in foreign countries. We have got many industries which are dying out because we have no market for our goods; but if we have no market for them in this country, we have a very good market for them outside India. Look at the beautiful embroidery work of Kashmir. They do manufacture there articles of a very valuable kind but, because of the poverty of the people or the change in the tastes and habits of this country, there is not much of a market for these Kashmir goods in this country; but those goods have great charm and fascination for people in Europe and America. Why not then export them and try to encourage them?

Sir, although I want the Government—not only the Central Government but the Local Governments as well—to take steps to remove this unemployment question by considering it in all its aspects, I am sorry I cannot agree to the appointment of a committee which will only be an additional expense to the Central Government and that expense will come out of the tax-payer's pocket and nothing good is likely to come of it. But if we appoint a committee of our own and press the recommendations of that committee for acceptance by the Government, then it will be time to judge whether the Government are neglecting their duty or not.

Diwan Bahadur T. Rangachariar: Is it practical?

Maulvi Abul Kasem: I do not understand why it is not practical.

Mr. Bipin Chandra Pal: Who will pay for the expenses of that committee?

Diwan Bahadur T. Rangachariar: What power will they have?

Maulvi Abul Kasem: The expenses of that Committee? The learned Mover of this Resolution said, Sir

Mr. A. Rangaswami Iyengar: Not I, Sir.

Maulvi Abul Kasem: He mentioned that Deshbandhu Das had a cut and dried scheme for the consideration of the Government. I think that scheme was framed; I am sorry I have not studied that scheme very carefully but I believe that it is a scheme, as my Honourable friend opposite, said, which will give employment and legitimate employment to a large number of young men. I think this scheme should now be presented to the Government of Bengal through the Legislature and Government should be asked to help to carry that scheme out. That scheme was made without the public paying for the expenses and if any expense was necessary I think that as so many national funds are raised, these funds should be utilised; there can be no better purpose for the employment of those funds than this.

Mr. A. Rangaswami Iyengar: Not the Khilafat Deputation?

Maulvi Abul Kasem: I think instead of spending our energy and funds and frittering them away on useless purposes

Mr. A. Rangaswami Iyengar: On deputations?

Manvi Abul Kasem: We can best employ them in making an investigation into this question of unemployment, which will remove to some extent at least the poverty of this country. The only other remedy is the removal of the foreign domination. I think we must either do this or take measures for the removal of the foreign domination and take up the consideration of unemployment later on.

Sir Willoughby Carey (Bengal: European): Sir, I have no complaint to make about Mr. Rangaswami Iyengar's Resolution, and I should like to have supported Sir Sivaswamy Aiyer's amendment in extension of the detail of the original Resolution, except for the fact that I do not think that a committee such as is suggested by the original Resolution is really what is called for by this problem. We have already in the possession of the country a very great deal of most useful information. I think the Industrial Commission of 1916-18, the Bengal Government Unemployment Report, which has been referred to so much to-day, and the External Capital Committee's Report, all three deal with essential matters relating to and bearing directly upon this question of unemployment, or its reasons. The House has said that it does not ask for the sympathy of any one in this connection, but we do of course sympathise fully with the situation, and in the interests of a healthy body politic it is necessary that this subject should be dealt with as soon as possible.

The whole point raised by Sir Sivaswamy Aiyer as to whether it should be dealt with by an all-India Committee or whether it should be dealt with by provincial inquiry seems to me to resolve itself into the question as to whether such an All-India Committee, whether just a non-official, or a technical or expert committee such as is suggested by Mr. Abul Kasem, would really be able to get down to the full reasons in each province for the unemployment existing there. I do not lay down anything because of course I only know the situation as it exists in Bengal and as explained in that Government's Unemployment Committee's Report. But it seems to me as a practical matter that local committees should be able to do this better than one large committee. I think that an All-India Committee would really not add very much to the information already available, though it might have just the effect of crystallising what has already been laid down, and act perhaps as propaganda. But practically I think myself that the provincial committees and inquiries are the best way of working this very serious question. I think the whole position as it is to-day is the result, apart from the disabilities which we know are attributed to the people whom we seek in this discussion to help, of a wrong form of education and the lack of desire to do certain classes of work. Apart from that, the real reason is the slump in economic conditions to-day in India; and any inquiry that is made should, I think, take that into consideration and seek, firstly, to apply the knowledge already made available in these various reports, to which I have referred, and to see how far economic development can be pushed ahead. This can be assisted by the application either in Bengal or elsewhere of many of the proposals contained in that Government's Report, but fundamentally it must depend upon finance and upon the development of credit facilities in the country. This has already been said in other ways; but I think the External Capital Committee

give us in their Report a very good lead in this direction. I do not propose to burden the House with quoting at all from these Reports, but I do earnestly suggest that they should be very carefully considered in the light of this question.

I should like just to deal with two points made by Mr. Abul Kasem, although he has left the House. One was as to the delay in Bengal in dealing with their report and its recommendations. I would suggest that possibly there has been no facility of late in Bengal for doing anything
1 P.M. in this way owing to the state of affairs in the Bengal Legislative Council.

In regard to the Bengal Industrial and Technical Schools, as a member of the governing body of that latter school, I would support very strongly his appeal that the right type of men should come forward as students. It is, as he has said, a very distinct difficulty.

Whatever suggestions are put forward, it is essential, to my mind, that first an attempt must be made to tackle the question of credit facilities and banking, for I do not believe that without these any intensive economic development will take place, which, to my mind, is one of the first essentials for dealing on a large scale with the difficult position that the country is in as regards unemployment.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur cum Orissa: Muhammadian): Sir, I have an amendment on the paper to this Resolution which seeks to make a slight verbal change. I wanted that the word "Indian" should be added, because I thought that the addition of that word would be very useful. But after hearing my friends, Messrs. Sadiq Hasan, Sir Sivaswamy Aiyer and the Honourable the Mover himself, I think it is not necessary to add that word, and therefore I am not going to move the amendment which stands in my name. At the same time, if the amendment of my friend, Sir Sivaswamy Aiyer, is pressed to a division, I shall be very pleased to support it.

Mr. Narain Dass (Agra Division: Non-Muhammadian Rural): Sir, the Resolution before the House involves a very serious problem. It makes a deliberate request to Government to make an investigation into the question of unemployment and to suggest suitable remedies. I do not minimise the fact that the problem of unemployment or the problem of poverty is a very wide one. I admit it is as wide and as long as our country. But what I want to point out is this: is any investigation at all necessary? Is the question of unemployment quite a new one? Has it suddenly descended on us as it has in some of the European countries? I submit, Sir, that it is as old as the British Government itself. I submit, Sir, that the problem of unemployment in this country, our sad lack of opportunities, or by whatever name you may choose to call it, is chronic, it is not a new factor. It is not what many European countries are struggling against, it is a thing that has gone into our very existence, it has formed part and parcel of our every day life. I would, therefore, submit, admitting that the question is really a very serious one, that it is a complex one, that it is a very intricate one, it is not one which requires investigation. Do we not know, do not the British Indian Government know, that there are many directions in which they can move,

[Mr. Narain Dass.]

directions which they are deliberately blocking? They know, and our country knows it as a bitter experience, what our prospects in the Colonies are. There a policy of ostracism, a policy of outcasting or expulsion, is deliberately adopted. We have no chances as British Indians to go out of our country and settle anywhere in the world even with a bare existence assured. We are looked at as aliens, as undesirables, as people who have no right even to earn a moderate livelihood anywhere but within the four corners of our country. Then we know, Sir, that the set policy of exploitation, the set policy of suppression, is being carried on as vigorously as any organised Government could do. These are the directions in which the Government can make a move if they like to do so. It is not so much a question for expert investigation. Ultimately, in our later researches we may require the assistance of experts, and learned people. But for the present the many Resolutions that the Assembly moves, the many requests and memorials put forward by the country, so many prayers made otherwise, what are these? They simply point out the avenues which will give employment to our countrymen.

Sir, much is said about village reconstruction. I am in close touch with the villages. I know that much can be done there. I think they stand in need of all the help we can give them. They are in need of organisation. Their sanitation is bad. Everything is bad there. They have no roads. There everything is in a crude and elementary condition. Sir, it is not merely the wish that will put them on their legs. Agriculture, I would submit, is a highly over-taxed industry in India. Even the Royal Commission on Agriculture is going to confine its activities to its scientific side. It will utterly ignore the question of taxation. It is presumed that our agriculture is in such a thriving and progressive condition that its taxation side might well be left alone, and they think that what is required is simply a scientific research as to how to produce more. What is the implication of this? If there is more production, more of taxation may be screwed up. It is a very queer dictum to put forward that taxation has got no reference to production. My point is that village reconstruction is not simply going to solve our question if we utterly ignore the fiscal side, the revenue side, the taxation side of the villagers altogether. As the Honourable Mover urged, it is only a question how far the Britishers in India, the Europeans in India, the foreign interests in India, are going to give up their domination and their special privileges. Are they going at all to slacken the grip which they have got on the country? The question is, are the Government going to leave wide open the door for the sons of the soil? Sir, they can do a lot by creating a mercantile marine. They can do a lot in their Army, in their Navy and in the Services. They are the sole masters of all these. That being so, a scientific inquiry to find out the causes which lie apparent on the surface seems to me to be diverting us on the wrong scent. It is indeed a wonder that a highly organised Government ruling in this country for 160 years should not have found out yet the real causes of poverty, the real causes of unemployment and of our abject backwardness. Is the question so complex, so intricate, so mysterious, so hidden, that it requires a fresh investigation, a fresh investigation only with a view to make a start? Investigations are, of course, necessary in every department of life, but this all-pervading question of India is so apparent, so clear that I think it

does not require a fresh investigation. It requires a will on the part of Government, it only requires a little sympathy on the part of Government and if they are lacking in that, I submit that no amount of investigation will do.

Mr. H. Olvert (Punjab: Nominated Official): I should like, with your permission and the permission of the House, to try and state very briefly the economic factors of what is, after all, almost entirely an economic problem. The Resolution, so far as I understand it, is confined to unemployment among candidates for superior posts. Now, Sir, taking all factories in India, for every 100 persons employed, there are about 3 employed in superior posts, 26 are skilled labour and 71 unskilled. What we actually have at present is a surplus confined to one only of the various grades of labour required. There is, as far as I know, practically no unemployment among skilled labour and in the Punjab at least we are unable to find within the boundaries of the province the unskilled labour we require for public works. Now, the proportion of capital required per worker and of capital required for a skilled worker and for a higher post varies, of course, with the kind of industry. It is low for cotton ginning, very high for wool and still higher for certain other industries. If you wish to find further employment for a particular class of workers, namely, those holding superior posts of direction and supervision, you have to assemble together various factors. You have to get together capital, enterprise, confidence and labour of these three types the labour of direction and supervision, skilled labour and unskilled labour. Now, Sir, per superior post, taking all factories in India, there is required capital varying from Rs. 15,000 to Rs. 25,000. For an investment of Rs. 15,000 to Rs. 25,000 you can find employment for one man in a superior post. In the high grade woollen mills it is as high as Rs. 80,000 of capital for each superior post. In other words, it comes to this that for every crore of rupees which we can get invested in industries we can find employment for about 500 men who can hope to take part in direction and supervision. Now, Sir, the crore is there, there is ample potential capital in this country. I think the other day the Honourable Sir Basil Blackett told us that there was something like 23 crores of rupees in the Post Office Savings Bank which may be regarded as potential capital which might be directed to industrial enterprises if there was more confidence.

Pandit Shamlal Nehru: Have you an eye on that?

Mr. H. Olvert: In the last 40 years the amount of gold absorbed in this country was Rs. 484 crores.

If only a portion of that had come into this country in the form of machinery for industries, I think there would not have been this complaint of unemployment.

Mr. A. Rangaswami Iyengar: They would have depreciated enormously.

Mr. H. Olvert: The difficulty is that if you are going to try to find employment for candidates for superior posts there must be skilled and unskilled labour in due proportion. You cannot have an industry consisting only of superior posts. If you invest one crore more in industries giving employment for 500 men, you will want five to fifteen thousand skilled and unskilled labourers.

[Mr. H. Calvert.]

Now, Sir, the Honourable the Mover of the Resolution had his usual little fling about this Government and said that it was the domination of a foreign Government that was at the root of all this unemployment. Now, Sir, it happens that Government is the largest employer of labour in India. Government employs between four to six times as much labour as all the Joint Stock Companies in the country put together.

Mr. A. Rangaswami Iyengar: That is one instance of exploitation.

Mr. H. Calvert: The capital in Government investments in railways and canals is something approaching 600 crores and the total paid up capital of all joint stock industrial companies is little over 100 crores.

Now, Sir, I notice that the wording in this Resolution is not "work" but "unemployment". These gentlemen are seeking not apparently work but employment, that is to say, they want to be employed by somebody else. They do not want to find work for themselves by their own enterprise. The question arises as to which of these various ideas we are going to give preference to. In the Session before this we had a certain inclination to dislike the idea of foreign capital being invested in India. If local capital is shy and is not coming forward for industrial investment, why should not foreign capital be encouraged to come into this country and help as far as possible? If these young men want work and do not want employers to find work for them, the opportunities in this country are absolutely without limit. For example in the neighbouring district of Gurgaon, they are trying to introduce iron Persian wheels. They cannot find any one to come forward and start the industry. Then, Sir, I will give another instance. There is unlimited scope for small industries if young men are prepared to embark on them at their own risk and not at the risk of some outside employer.

Diwan Bahadur T. Rangachariar: Where can this information be had about this unlimited scope? Is there any Government publication dealing with it?

Mr. H. Calvert: Now, there is an extensive and unsatisfied demand for *ghi*. Why not start dairy farms to produce *ghi*? There is now a big demand in the Punjab for first class bulls. There is no independent enterprise coming forward to start a bull farm. Now, Sir, in the Punjab at least new industries are springing up very rapidly in the villages. They are mostly on a small scale, but, as far as I have been able to see, very few of these industries are being controlled or supervised by boys from colleges. When you see a small village foundry, or a flour mill or oil engine driving a chaff-cutter you find that the person in charge is not a college boy but either an ironsmith or a carpenter. (*An Honourable Member:* "It is a reflection on your education. Why don't you change the system?") As far as I know the Government has no monopoly of education at all. As my friend opposite knows, there is a great scope for private enterprise, a position which he has taken advantage of with great distinction. Well, Sir, one possible solution would be such an improvement of agriculture as will serve the two-fold purpose of providing raw material for industries and of so raising the economic position of the cultivators that they will absorb the products of new industries which we all hope to see spring up.

The final remedy for removing this unemployment is confidence amongst the investing public. Now, Sir, I have had a very large experience of joint stock companies and I might perhaps say a great deal as to the causes of that lack of confidence. That lack of confidence is one of the biggest obstacles to industrial expansion, but I think I had better not go into that but leave it to the House. I might say that, in so far as there is that lack of confidence, I do not think my Honourable friend can blame foreign domination. The problem then, Sir, is to get together the capital which exists in plenty, the enterprise which perhaps is not so plentiful, the labour of which, as far as skilled labour is concerned, there is a marked scarcity, and the confidence of the investing public. If we can bring these together I think the problem will be solved. But I do not think a committee of this House can do much to bring those together. I think, Sir, in so far as this Resolution deals with unemployment and not with work it should be left to the private employers.

U. Tok Kyi (Burma: Non-European): Sir, I rise to support the amendment so ably moved by my Honourable friend Sir Sivaswamy Aiyer. Sir, it is but right that we should be anxious for the welfare of the cultivating and labouring classes of India and Burma, but the Royal Commission recently appointed for investigation into agriculture will no doubt see to their well-being and we need not be very anxious about them at present. But the question of unemployment among the educated classes is getting acuter and acuter every day. The state of affairs in Burma is just as bad if not worse than that in India. In Burma all the internal and external trade is in the hands of non-Burmans. The sons of the soil cannot take an adequate part in the trade and industries of the country, and consequently discontent among the Burmans at the present day is very great. During the last year some feeling against all non-Burmans was exhibited in the local Council, for this reason; it was not because they do not like foreigners but because they fare worse than foreigners and non-Burmans in trade and industries in their own country. The Burmans not only can not have their proper share in the trade and industries, but also cannot serve in the Departments of Government which are directly under the control of the Government of India. They are practically shut out from the Railways, from the Accounts Department and from the Customs Department. From these facts the House is now in a better position to judge whether the discontent among the educated classes of Burma is justified or not.

Sir, it is hardly necessary for me to say that the more discontent there is among the educated classes, the more difficulty there will be for Government to carry on the administration of the country. The more discontented B. As. there are in the country, the more agitation there will be, and there will be more trouble. Therefore it is the duty of Government, nay, it is the interest of Government, to see that the discontent is removed as soon as possible. There are causes for the discontent: it is for the Government to try and ascertain those causes and suggest remedies. The way to do this is I think by means of an All-India Committee as suggested by my Honourable friend, Sir Sivaswamy Aiyer. My Honourable friend Sir Willoughby Carey is of opinion that this All-India Committee will not do. He said that it would be more advisable to appoint Provincial Committees; but I do not agree with him. I think, Sir, that this question of unemployment is as extensive, as one of the previous speakers had said, as the dimensions of this big country. This

•[U. Tok Kyi.]

question affects not only Bengal, Madras or Burma, but it affects every province in the Indian Empire. This question is, I think, as important as that of Agriculture, for which a Royal Commission has just been appointed. One or two provinces have already appointed committees to investigate into the question of unemployment. I think it is not sufficient. All the provinces should co-ordinate with each other, should co-operate with each other, to go into this all-important question. With these few words, Sir, I support the amendment of Sir Sivaswamy Aiyer.

Mr. Chaman Lal (West Punjab: Non-Muhammadian): Sir, I rise to support the amendment moved by my friend Mr Sadiq Hasan. There is no doubt whatsoever that the amendment moved by my friend Sir Sivaswamy Aiyer is much more comprehensive than the original Resolution moved by my friend Mr Rangaswami Iyengar. But if my friend is prepared to accept the amendment moved by Mr. Sadiq Hasan, I venture to suggest that it would be a further improvement on the original Resolution in so far as it would bring into the purview of this Committee of inquiry that we are setting up not only the middle classes, but also the industrial workers of this country. The great problem of unemployment affects not merely one class. The class that it does really affect is not only the middle class but the working class, the poverty-stricken masses in the industrial centres of the whole country. Mr Calvert has pointed out—very correctly I think—that if we are trying to find jobs, superior posts for the better class of educated people in this country, we must at the same time create the necessary conditions which would enable them to find employment. And one of the conditions is this, you must be able to find skilled, semi-skilled and unskilled work which would be placed under the charge of these educated people in order to enable us to find adequate employment for them. It is for that reason, Sir,—a very important reason—that I ask the House to accept the amendment moved by Mr. Sadiq Hasan and bring into the purview of this inquiry the working classes in the industrial towns.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): May I know which amendment you are favouring?

Mr. Chaman Lal: I am in a very great difficulty. I have been asked which amendment I am favouring. I would much prefer the amendment moved by Sir Sivaswamy Aiyer with the further amendment, namely, that the inquiry should not be confined only to the educated classes. I understand that Mr Sadiq Hasan's amendment means this and nothing else. If the inquiry is to be enlarged, enlarged for the purpose of finding out the causes of unemployment amongst all classes of workers, to my mind it appears rather a strange procedure to limit its reference to the middle classes. Here is a disease that is affecting the body politic and you are trying to find a remedy. If I were to discover to-day a serum, one injection of which perhaps would turn a foolish man into a wise man, would my friend Mr. Rangaswami advise me to confine my serum only to the educated classes or to the middle classes or to the rich classes or to the journalists whom he represents? Surely not. This disease of unemployment affects the whole country and, as has been very clearly pointed out, it affects more the working classes than it affects the educated classes. I have every sympathy—and I want to make it perfectly clear that I have every sympathy—with the educated classes. Only ten

days ago, Sir, a man came to me and he informed me that for two days he had not had a bite of food in his mouth. There is a well known case, which some people who live in Delhi are aware of, where the other day to a Professor of this University there came a chit from a man who asked for an interview. When he was brought into the room he asked for nothing more than a plateful of rice and *dal*. He said he was a graduate of the Calcutta University and that he had not had anything to eat for three days. He asked for no favours, he asked for no employment; he asked that he might be given just one meal in order that he could go his way and meet his fate, whatever it might be. The condition of the educated classes is undoubtedly deplorable. One of the causes no doubt is the system of education under which they are brought up. That system of education is meant, and deliberately meant, in my opinion, to turn the educated classes into mere Babus, mere clerks, and nothing more. This is a system of slavery under which slaves are being manufactured out of these machines, namely the Universities. But, Sir, the general problem of unemployment is very much wider than this. The general problem of unemployment is not to be dismissed as Mr. Rangaswami Iyengar dismissed it by merely saying that the poor will always be with us. He is a recent convert apparently to the Christian doctrine which is preached in the Bible. I do not believe in that doctrine. I believe that the system creates the poor. It is not that the poor are God-ordained to be always with us but it is the system which creates them and we want to discover the causes which operate under this system and create unemployment. I would much rather believe in the other Biblical saying, all that ye have, give to the poor.

Now, in discussing the causes you have to examine the actual state of the country. What do we find? Mr. Calvert was absolutely wrong when he said that there is not a large amount of unemployment in the Punjab. Is he not aware of the fact that during the recent strike 15,000—20,000 people were thrown out of employment? What happened to them? Did the Government find jobs for them?

Mr. H. Calvert: They went back to their work.

Mr. Ohaman Lal: They did not go back to their work. You do not know the facts. What is the good of making a statement when you do not know what actually happened? They did not go back. They are still without employment. Ask your friends and they will tell you what has actually happened. What happened to the 20,000 railway men who were dismissed by the Great Indian Peninsula Railway? Has not the Railway Board issued instructions asking their Agents to give preference to these men? They realise that there are thousands of men who are out of employment. What happens to them year in, year out? At the sweet good-will of the Railway Board or of the Agent, it may be, thousands of men find themselves without jobs. What happens to them? We are asking you by this Resolution and the amendment that we are proposing to institute an inquiry into the causes of unemployment and to try to remedy the deplorable state of unemployment in this country. Time and again I myself have put questions in the Assembly asking Honourable Members in charge to give us a reply to the question whether there is any unemployment in this country or not and whether the Government are prepared to institute a system of labour bureau or of employment

[Mr. Chaman Lall.]

exchanges. Every time I have been given the reply that the Government have no intention of instituting any such system. They have gone beyond that, Sir. They have said that there is no unemployment in this country. I challenge that statement. I have challenged it on more occasions than one. It was repeated again, I am sorry to say, in the International Labour Conference at Geneva a couple of years ago by the Honourable Member who was in charge of this Department before the Honourable Sir Bhupendra Nath Mitra took over the charge of his office. But, Sir, I shall not characterise it as a lie, I shall characterise it as the statement of an ignorant man, a man who does not know the conditions in this country and who does not care to find out what the conditions in this country are. I say there are thousands upon thousands of people in this country who cannot find even one meal a day. There are thousands of people who cannot find employment not because they have not "self-confidence" or because jobs are waiting for them and they are too lazy to walk into those jobs, but merely because they are debarred from finding employment either by their lack of education or by the lack of opportunity which comes their way. They have not got the opportunity, with the result that they go and commit dacoities, murders and thefts. Men must live. I say criminals are being manufactured out of these unemployed. We are simply asking you in this Resolution to try and do something for them. In every country in the world you will find unemployment. Even in the best periods of trade, unemployment is in existence. In England before the war unemployment was in existence up to about 2 per cent. of the working class population. After the war, in 1920, it was something like 17 per cent. of the working class population which was out of employment. That state of affairs is chronic. It goes with the system. And what is the system? The system is merely this that you produce goods not for the benefit of the people but that you produce them for the benefit of the profiteer. It is the manufacturer who is in charge of the industries in the country. It is he and the banker who are concerned in industrial development. Their business is not that you should produce as much as is necessary for the needs of the country but just as much as is necessary in order that they may line their own pockets. The result is that a man will go on producing shirts or collars or boots or shoes whereas the people may be in need of food, and no food is produced for them. The result is that this lack of balance is due entirely to the system under which we are living—a system which produces goods not for use but for profit. We do not ask you in this House with a stroke of the pen to abolish this system. All that we are asking is this, do try to remedy the state of unemployment in this country just as in other civilized countries this problem has been solved. If in Great Britain, finding there was a grave state of unrest among the people and a grave state of unemployment among the working classes, they brought in a system of labour exchanges, why cannot the Government of India do the same in this country? I believe in England a man gets 15 to 17 shillings a week if he is unemployed, not because he lacks "confidence," but because he lacks the opportunity. The opportunity is not there, as has been pointed out very clearly by economic experts because the land is not in the possession of the people. The people are barred from going on to the land . . .

Mr. H. Calvert: In India?

Mr. Chaman Lal: Yes, in India. What do you know about India who talk so glibly about India? Are you not aware of the fact that the system of land tenure in India is rotten to the core? On the one side you have tremendous big estates owned by the landlords, on the other the sub-division of the soil is going on among the peasantry. Our holdings are becoming uneconomic. Are you aware of that? Are you aware of the charges that are levied on the peasantry in this country? The system of land tenure, the system of land holding, the system of capitalism is at the root of this problem and it is not so simple as my friend over there, who did not want an inquiry into this question, suggested. It is a very deep economic question, but at the same time it is a question which can be solved. If not solved in its entirety, certainly the condition of the people of this country can be ameliorated if only the Government are so minded.

Now, Sir, there is no doubt about it that unemployment exists because of the system under which we live. There are from time to time great crises. There is the boom period when the unemployed are absorbed, and immediately after that comes the crisis when people are thrown out of employment. What are the real causes of these cycles in trade? What are the real causes that bring about booms on one side and trade depressions on the other? These have a relevancy to this question. You have to examine the question of the trade boom, of the trade cycle, of the trade depression. You have to examine the interdependence of industry and the banks and of the credit allowed by the banks in times of booms and the credit denied by the banks in times of trade depression. These causes again are interdependent and bring about unemployment in the country. This is a very complicated question; it is not a simple question. It requires careful investigation, an investigation, it may be, by experts who are conversant with the subject, well-versed in theories like those of Hobbs or of Marx or of Henry George or of Jevons. But there is no reason on God's earth why the Government should not give us an inquiry on this subject; no reason why the Government, who pretend so much that they are looking after the interests of the masses of this country should not now tell us honestly and frankly that they do want to help the poor classes in this country. There is no reason why they should not accept this proposition which we are putting before them. Why do they not? Are they afraid that the facts brought out by this inquiry would be so bad and would so astonish the world, that they would be afraid to face the world?

The Honourable Sir Bhupendra Nath Mitra: Not a bit.

Mr. Chaman Lal: Is it the question of expense? What expense is it? It is a flea bite compared with the benefit you will confer upon the country. I sincerely and honestly ask the Government to look upon this question with the eye of a humanitarian and not with the eye of the official hidebound with his regulations, with the eye of a man who wants to do good to this country—to do good not only to the educated classes but to the masses of the workers of this country. There is a great future for any man who takes up this question, and I ask the Government not to forget their duty to mankind.

Khan Bahadur W. M. Hussanally: Sir, if there was any doubt in my mind as to which way I should vote I think the arguments of my Honourable friend Mr. Chaman Lall have settled it. There is such a variety of opinion with regard to this question that I am afraid all these Resolutions and amendments that have been brought forward to-day must fail. On the one hand, my Honourable friend Mr. Sadiq Hasan wants a general inquiry into the economic condition of the country and the poverty of the people. On the other hand, my friend Mr. Rangaswami Iyengar wants an inquiry into the unemployment of the middle classes to which he himself belongs. On the third hand, our venerable friend Sir Sivaswamy Aiyer is more restricted and confines himself to the educated classes only. Therefore, we are left in a sort of uncertainty of mind as to what we want. We do not know what we really want. If a wholesale inquiry is wanted, as my Honourable friend Mr. Joshi also wants, I should certainly go wholeheartedly with him. But that is not what is wanted by the Resolution or the amendments. The Resolution wants an inquiry into the unemployment of the middle classes. The amendment of the Honourable Sir Sivaswamy Aiyer wants an inquiry into the unemployment of the educated classes. My Honourable friend Mr. Sadiq Hasan wants a much broader inquiry and with him I cordially agree. I also agree with my Honourable friend Mr. Chaman Lall on that point. If a general inquiry is to be undertaken I think it will be the duty of this House and of the Central Government to undertake it; but if it is to be a restricted one in any way, whether concerning the middle classes or the educated classes only, it is no part of our duty to ask the Central Government to take that inquiry upon themselves. On the contrary, in my opinion, if an inquiry of that kind were taken up by the Central Government, it would be a sort of vote of censure upon Provincial Governments, and we should be passing votes of censure upon the provincial Ministers of Education. That is a sort of inquiry that must certainly be left in the hands of the Provincial Governments and the provincial Ministers, more specially as Education is a transferred subject. Sir, there is no doubt that unemployment among the educated classes, more particularly in Bengal and Madras, is very acute and to a lesser extent in other provinces. But the unemployment and poverty of the rural classes is certainly far more acute, it is a question into which we ought to go as quickly as possible. Unemployment among the educated classes is due more or less to the faulty system of education that has been pursued hitherto by the Provincial Governments. People with their eyes open take to that kind of education in order to get into some kind of Government service, in which of late we find that they are not successful enough; and therefore the chief thing that is required is to add a sort of vocational education side by side to intellectual education, and that is entirely the province of the Provincial Governments. Supposing we undertake such an inquiry as is recommended now by Mr. Rangaswami Iyengar or even by Sir Sivaswamy Aiyer, what will be the result? The committee that is appointed can only make recommendations to the Provincial Governments to change the system of education in vogue in the Provinces. Beyond that neither a Committee can go nor can the Central Government go. Therefore it will be primarily the duty of the Provincial Governments to make an inquiry of that kind and, in so far as the Bengal Government have already held an inquiry in the matter, I think it will be duplicating that inquiry if a Committee were appointed by this House or by the Central Government to undertake the same task once more. For,

these reasons Sir, I think my friend Mr. Iyengar would be better advised to withdraw his Resolution at the present moment and bring in a more general Resolution, as suggested by my friend Mr. Sadiq Hasan and supported by my friend Mr. Chaman Lall. A Resolution of that kind would meet with the more unanimous approval of the House than the Resolution or amendments that have been brought forward to-day. I am afraid we are very much divided upon these amendments and the Resolution, and the result will be that all of them will fail.

The Assembly then adjourned for Lunch till Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Five Minutes to Three of the Clock, Mr. President in the Chair.

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): On a point of order, Sir? Is there a quorum.

Mr. President: The Honourable Member must know that there is a quorum.

Lala Lajpat Rai (Jullundur Division: Non-Muhammadan): Sir, there seems to be a considerable amount of feeling in the House that the inquiry demanded by the original Resolution is too limited in scope. At the same time there is a feeling that the two inquiries, one into the unemployment problem in general and the other into unemployment among the educated classes of India, can be better made by two separate Committees. In order to achieve both these objects, I propose, with your permission, to move an amendment which will include both objects and which, I think, should satisfy both sections of the House.

Mr. President: The Chair will consider the question after hearing the amendment.

Lala Lajpat Rai: This is my amendment, Sir.

"This Assembly recommends to the Governor General in Council that he may be pleased to appoint a Committee with a non-official majority to investigate into the problem of unemployment in general, and among the educated classes in particular, and devise suitable remedies whether by a system of industrial and technical education, or by a revision of the existing system of education, or by offering encouragement to the starting of new industries, or by opening new avenues of employment, or by the establishment of employment bureaux, or by all these or any other means; and that the said Committee do make a report on the latter problem as early as possible."

Mr. President: Does the Honourable Member wish to speak?

Lala Lajpat Rai: Yes, if the amendment is allowed; otherwise I shall speak on the Resolution.

Mr. President: Do Government wish to say anything in the matter?

The Honourable Sir Bhupendra Nath Mitra: I have no objection to that amendment, Sir.

Lala Lajpat Rai: Thank you. Now, Sir, coming to the general question, I think this amendment is desirable from another point of view, and that is this, that the line of demarcation between the poor and the middle classes is very thin. In this country it is very difficult to distinguish between these two classes. Some people are of opinion that there are no middle classes in this

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country; there are either rich men or poor men, and, therefore, the restriction of this Resolution to middle classes practically deprives this Committee of the chance of making an inquiry into the question of unemployment among the poorer classes. I have, therefore, considered it fit, with your permission, to propose this amendment which includes both the questions. Of course, it will be open to this Committee to divide itself into sub-committees, one to make inquiries into the unemployment problem in general and the other to devote its attention to the question of unemployment among the educated classes. In this amendment we say that the latter problem should engage their attention immediately and they should make a report on the problem of the educated classes as early as possible, because, after all, even the general prosperity of the country will depend upon the kind of education that is imparted in our schools and colleges, and on that again will depend the quality and quantity of both skilled and unskilled labour as well as other things which are of equal importance to the country in general and to the educated classes in particular. That is all that I have to say on the general question.

Before dealing with the specific question of the unemployment of the educated classes I want to make a few remarks about the bearing of the political question on this problem. It was said on this side of the House that foreign domination had a great deal to do with the economic poverty of the country, and the remark was laughed at from the other Benches. I want to repeat that remark, Sir I think that foreign domination makes our economic position in this country if not hopeless, at least extremely difficult. At every step we meet with difficulties in solving our problems. I am not raising the general question of political freedom here, but I want to make it very clear to all concerned, that the solution of the political question will greatly help not only the solution of this particular question of unemployment, but of various other questions affecting the economic prosperity of India and Indians. The two questions are really very much

interdependent upon each other. It is of the greatest possible importance that the political question should be solved as soon as possible, because, I believe, the economic problem can be effectively solved by nobody else but those people whom the shoe pinches, and who are directly interested in the economic salvation of the country. The officials, who belong to a foreign Government, have to give weight to too many considerations besides the interests of India when dealing with the economic problem. They have got to consider the interests of the Empire, they have to consider the vested interests of certain classes of their own countrymen, and they have also to consider the interests of British trade. All these considerations deeply affect the economic problems of this country. The problem of unemployment is one of them and to a great extent depends on the general economic position. All these questions have a direct bearing on the political problem, as well as on the economic problem. It is not therefore a matter for laughter at all. It is a serious question. On the solution of the political problem depends eventually the economic salvation of the country. After all, it is for bread and butter, for an easy or at least a comfortable and decent life, that people are fighting. There are, of course, questions of sentiment and honour also involved in the political problem, but the most vital question is the question of bread and butter and a comfortable life, and that question cannot be successfully tackled without the solution of the political problem. The two questions are, as I have already remarked, interdependent.

Now, Sir, the question of unemployment can be divided into several parts. Unemployment in India is pretty general. There is unemployment among the agricultural classes, there is unemployment among the traders, and there is unemployment among the educated classes. Practically all classes of people in this country suffer from unemployment. We contend that unemployment has been increased by foreign domination and by the fiscal policy of the British Government. We are not going at this time into this fiscal policy at all. We simply say that the fiscal policy is, to a great extent, responsible for increase of unemployment in this country all round. Take, for example, the question of trade. The exchange and currency policy of the Government has got a great deal to do with the question of unemployment among the trading classes. Ten or twenty years ago particularly before the Reverse Council Bills policy, the trading classes of India were much happier and more prosperous than they have been since then, and that policy alone has created a great deal of unemployment in the country and considerable discontent among the trading classes.

Coming to the speech of the Honourable Mr. Calvert, I confess I expected a great speech from him, but I was sadly disappointed, and that to my mind is conclusive proof, if any proof were needed, that however well-disposed a foreign bureaucrat may be, and however great may be his anxiety to know the condition of the people of this country, he is not in a position to know those conditions so well as those who live in the midst of the people and who have been born and bred in the country. The statement made by him seemed to me to be devoid of reality. It bore no relation to one's experience of the actual state of things in the province from which he comes, and from which I have also the honour to come. I was really surprised at his speech. He said, first of all, that the educated classes had several openings which they did not take to, and as an illustration of one of the openings, he suggested that the educated classes should take to the manufacture of Persian wheels. I submit, Sir, that the trivial nature of the suggestion at once shows what little knowledge the Honourable Member has of the economic conditions of the province with which he was dealing. To suggest that manufacture of Persian wheels would give employment to a large class of educated people showed how little the bureaucracy understand our problems. If the educated classes take to the manufacture of iron Persian wheels, they will simply be replacing the earthen pots in those wheels, and they will be displacing another class of people which earns its bread by that industry. In any case only a few men can find employment in that industry. It is not a solution either for unemployment in general or for unemployment among the educated classes. The Honourable Mr. Calvert further remarked that the Government is the largest employer of labour and that it spends a great deal of money on the employment of labour in running several industries. I admit both these propositions, but that does not show that the Government could not do more if they were entirely free to do so, I mean, entirely unfettered by outside considerations and acting purely on considerations of internal economy and Indian prosperity. So far as the question of capital is concerned, I may remind the Honourable Member that a very large amount of capital consisting of the revenues of the Government and of other reserves at the disposal of the Government is handed over to a Bank which does not at all interest itself in the development of industries in this country. It is mostly employed in helping foreign traders. It gives its help to a certain extent to the Indian traders also, but not to the same extent to which it helps foreign trade. It gives no encouragement at all to the development of small

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industries, or cottage industries, or to any industries which may find employment for the educated classes or the people in general. As regards the point that India has a great deal of hoarded wealth and that a large amount of gold is imported into India which can be employed in the development of industries, I will not go into it as it is a very controversial point. I would simply point out that the rate of interest at which money is advanced by Indian banks in this country is a sure index of the fact that the amount of capital available is small and not at all sufficient. I submit it is the bounden duty of every Government to look into these problems. The Government may say that the main problems for them are the defence of the country from outside aggression and the maintenance of law and order inside. What is the use of defending the country unless the people of this country are prosperous and there is something to be protected? If the defence of the country means the defence of a few men belonging to the well-to-do classes, then, of course, it is a different matter, but the success of a Government is to be judged by the prosperity of the large mass of the people under them and not merely by the condition of a few. Judged by this test the present system of government is a decided failure. We want the Government to recognise their responsibility in this matter and to realise that their duty does not consist only in providing for the defence of the country or in maintaining law and order—I grant that these are very important functions which all Governments must attend to, but their duty does not end there. Their duty also consists in seeing that the people are prospering and that they are advancing in material prosperity. Judged by that standard we are afraid the present system of government does not fulfil that test. Of course, it may be said that the general prosperity of the people is to be judged by the amount of things they consume. The standard of comfort, the standard of life has risen, they say, I grant that, but at the same time, prices have also risen, and if you put these two things together you will find that the general masses of the country are not so prosperous as they are supposed to be. The educated classes in particular are suffering a great deal and very acutely from that lack of employment about which complaint has been so forcibly made by Honourable Members. The educated classes have been educated under a system of education which unfits them for any practical work in life. It has taken them away from the old walks of life, from their old occupations, and it does not fit them for any new occupations which will be economically profitable to them individually and to the country taken as a whole. The result is that they are suspended, as it were, in the middle.

It was said that there was no such problem in the Punjab. I am afraid the Honourable Member is not quite right. He does not move among the people so much as we do. There is a great deal of acute unemployment among the educated classes in the Punjab. (Mr. H. Calvert: "Question?") It is a fact which cannot be questioned. The Honourable Member lives in great bungalows, and in drawing rooms and travels in comfortable conditions, while we practically spend all the twenty-four hours of our life among the people, living with the people, sharing their discomforts, their inconveniences, and their poverty. He may go on questioning but I am not prepared to admit that he or any member of the service to which he has the honour to belong, can know the conditions of the country better than we know or can represent them better than we do. We are born here, bred here. We have intimate relations with all classes,

of these people in life,—in business, in trade and in everything, and therefore we know their conditions much better than any of these Honourable gentlemen sitting on the Government Benches opposite. Unless we are to be declared mad or men entirely devoid of any commonsense or any patriotism or sense of duty to our countrymen, I submit that our statements should be accepted as true in this matter. These friends of ours judge things by figures compiled by themselves or by their subordinates under directions given by them, and they judge by the conditions of a few people. We judge by actual knowledge and experience gained from moment to moment, from day to day and from month to month, and naturally our views are much stronger and more reliable than the views of those sitting on the Government Benches. As Government servants, perhaps, they are bound by their figures, but we know how figures are compiled and what reliance can be placed on them. Therefore, I want to make it clear that the question of unemployment among the educated classes is not confined to Madras or Bengal, but it is practically general throughout India. Even in the Punjab the distress among the educated classes on account of unemployment is sufficient to warrant an inquiry into this matter. It is not a matter for the Local Governments. The question is a general one and it ought to be taken up by the Central Government and disposed of by the Central Government after a comprehensive inquiry as to what should be done to remedy this state of things. The Local Governments might suggest palliatives. Perhaps they may not have sufficient funds. It is an all-India question and it ought to be considered on an all-India basis. There might be sub-committees making recommendations in regard to particular provinces, but on the whole the problem is an all-India problem and it ought to be dealt with on an all-India basis.

The Government of this country, and of every country, must accept its responsibility to provide at least the necessities of life to every member of the body politic. I mean the Government of a country has to see that no member of the body politic is without the necessities of life, without the means to live. That responsibility is now recognised by all the civilised Governments in the world. Here in India temporary relief is all that is considered. But in England they are dealing with remedies in order to make a permanent improvement. Temporary relief is also given by way of weekly allowances in order to remove the distress immediately. The unemployment among the industrial classes of India is certainly large, but in my judgment it is even larger among the agricultural classes. The appointment of the Royal Commission announced by His Excellency the Viceroy will not remove it, unless those questions are gone into which have been kept out of the purview of the Royal Commission. They have a very important bearing on agriculture and a half-hearted inquiry into the methods of agriculture will not be sufficient. Improvement in agriculture might bring about an increase of production, but whether that will bring an increase in employment is very doubtful. The increase in employment would come by providing additional facilities to the agriculturists to employ their time by taking to industrial pursuits in their spare time in the villages. So it requires a greater diving into these questions than is likely to be done by the Royal Commission.

Mr. President: The Honourable Member has already exceeded his time limit by five minutes.

Lala Lajpat Rai: I will finish in five minutes.

Mr. President: I am afraid I must ask the Honourable Member to resume his seat.

Mr. N. M. Joshi (Nominated: Labour Interests): I rise to support the amendment moved by my Honourable friend Mr. Sadiq Hasan. I am very sorry that the amendment moved by the Honourable Lalaji is somewhat unsatisfactory. The amendment shows that the problem of unemployment among the middle classes is more important and more urgent than the problem of unemployment among the working classes. Sir, I am not willing to accept that implication of his amendment. The problem of unemployment in this country to-day is a very important one. There is unemployment amongst all classes of people. There is unemployment amongst agriculturists in India for practically four or five months in the year. That is a different problem. But there is also periodical unemployment amongst agriculturists caused by scarcity of rain, and Government deal with it under the Famine Relief Code. But, Sir, apart from the unemployment among the agriculturists there is unemployment among the industrial classes. My Honourable friend Mr. Chaman Lall has dealt with that question to some extent. He has shown to the House that a large number of people have been thrown on the street without work by the closure of, or retrenchments in, workshops of the Railways, and by the closure of factories, etc. There is unemployment even amongst seamen. You thus find that there is a good deal of unemployment amongst all kinds of industrial workers. My Honourable friend Mr. Calvert said there is practically no unemployment amongst skilled workers, but most of the people thrown out of employment from workshops are skilled workers. You will find them in large numbers in Bombay and in places where there are workshops. Therefore, I think, Sir, that nobody can deny that there is a very large industrial unemployment in this country. Of course there is also some unemployment amongst the middle or educated classes, but Sir, I feel that the unemployment in that class is dependent on the unemployment of industrial workers. You cannot separate the two questions. I feel that the unemployment amongst the educated classes is due also to industrial depression, as is the unemployment of industrial workers. When we, therefore, deal with this question, it is desirable that the whole question of unemployment should be first studied and inquired into, and remedies found. We must in the first place go to the root cause of the unemployment. My Honourable friend Mr. Chaman Lall has already stated that the root cause of unemployment is your capitalistic system. As long as your industries are based upon the present capitalistic system there will be periodical unemployment. You cannot avoid that. At present industries are controlled by people who invest capital. But for industrial life other elements are also necessary. You require labour and you require some brains, but the entire control at present lies in the hands of the people who invest their money. (*An Honourable Member:* "You don't require capital?") Capital has some share. As you require capital, so you also require labour and some brains, and these other elements must also have a sufficient share in the control of industry.

Now, Sir, the effect of the capitalist system is that when an industry is prosperous all the profits are taken away by the capitalists, the investors of money, and when there is an industrial depression the burden of that depression is thrown on the poor working classes. Sir, this is a very unfair method of dealing with our industrial questions. If therefore you want to solve this question of unemployment, you must deal with the

root cause, the principle on which the industrial system should be based. As long as the control continues in the hands of the capitalists, you are sure to pass through periods of unemployment, because no country in the world under the present system has avoided periods of prosperity and periods of depression. During the periods of prosperity, there is employment; the capitalists begin to produce more and more, but all the profits that they get at such a time are taken away by them, so that when the period of depression comes on account of over-production, which is bound to occur, they have no money to meet the losses, and therefore the burden of bearing the losses generally falls on the working classes who have to suffer from unemployment. Then, Sir, unemployment also is caused not only on account of the wrong system of control of industry but the wrong system of the distribution of wealth. If a few people in the country get most of the wealth that is produced in the country, it is not consumed properly, it is not consumed efficiently. Naturally, people who ought to get that wealth and who would have consumed it better and also added to the production of the wealth, do not get a sufficient share of the wealth produced, and naturally they do not also produce as much as is necessary and they also suffer from a want of demand for your goods because poor people have not got the means to purchase the goods which you sometimes produce in large quantities. Sir, it is this root cause, namely, the wrong principle on which your industry is based, the wrong principle of the distribution of your wealth, that is causing the periodical unemployment through which we are at present passing. If you therefore want to deal with this question satisfactorily, deal with it in a proper manner, go to the root causes which produce the present unemployment. Sir, when you go to the root causes, you will find that the cause of the unemployment of the educated classes and the unemployment of the industrial workers is the same; and therefore you cannot deal with the unemployment of the educated classes and the unemployment of the industrial workers in a separate manner. And there is also another reason, and that is a practical and political reason; it is in this sense, that if the educated middle classes alone try to get any satisfactory solution of their troubles due to unemployment, they will never succeed. The experience not only in our own country but in all countries clearly shows that the middle classes have not got much power unless they are backed up by the industrial classes. No educated class of employees without the help of the industrial workers will ever succeed in compelling any Government to give them protection against unemployment and the other miseries from which they suffer. From the practical point of view I say that the educated classes and the middle classes who suffer from unemployment should make common cause with the industrial workers; it is only then that their difficulties will be solved.

I therefore think, Sir, that this question should be taken up by Government seriously. They should appoint a Committee, which Committee should go into the whole question of unemployment and go to the root causes of unemployment and also find out the remedies. Of course, according to my view, the remedy is that the system on which industry is based should be changed.

An Honourable Member: Down with the capitalists.

Mr. H. Calvert: Communism.

Mr. H. M. Joshi: It may be Communism, it may be Socialism, let the Committee decide that. I do not wish to prejudge the issue. I am just

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telling you what the remedy is. I am quite willing to judge on their merits the findings of the Committee when the findings are out. But, Sir, my present feeling is that the problem of unemployment cannot be solved under the present capitalist system, and therefore the problem can only be solved by a change of the system. Sir, my Honourable friend, Mr. Chaman Lal says rightly that that might take time. We are quite prepared therefore to consider even palliatives. In England and other western countries they have unemployment insurance; let us see if in our country there should not now be some arrangement for giving unemployment insurance to people who suffer from unemployment.

If it is not possible for all classes of people, let us consider whether we can have now a scheme for unemployment insurance for workers engaged in organised industries, such as factories, mines and other big industries.

Mr. W. S. J. Willson: Why only organised?

Mr. N. M. Joshi: For the matter of practical politics. If we can have unemployment insurance for all classes I shall be very glad indeed and you will always get my vote for it. It is only to satisfy friends like Mr. Willson that I am quite ready to make a small compromise and say let us have an unemployment insurance scheme for the organised workers working in organised industries. Then, Sir, you may have employment exchanges, public employment bureaus as there are in England. It is time that Government should consider this question whether some good will be done or not by starting public employment bureaus in at least the big cities. That is a question which a Committee should consider and inquire whether the starting of public employment bureaus will do some good or not. My own view is that if we start public employment bureaus in towns, they are sure to do some good and therefore a Committee like that could go into the question and see whether any good can be done or not, and the problem of unemployment could to some extent be solved or not by starting public employment exchanges.

Then there is the question of education, especially the technical education of our people. We have neglected that problem. I do not say that we have not neglected primary education. I do not say we have not neglected secondary education and I do not say that we have not neglected higher education. But we have done nothing at all for vocational education. Unemployment is not caused by the extension of primary education or secondary education or higher education at all. The cause of unemployment is quite different. But, Sir, it is quite necessary that if our people are to be efficient workers and if they are to produce more wealth (which will be consumed by all people and then there will be more demand for wealth), if unemployment is to be removed, the system of education also requires some change. There is no facility in our present state of affairs for technical education. You can see that even in industrial areas. In Bombay we have a very large textile industry, but there is not even one school in which an ordinary worker in the mill can get training and produce things better and work more efficiently. There is not even one school. Of course there is the Victoria Jubilee Technical College or School which is only intended for higher officers in the mills. But there is not one single school where an ordinary worker in a mill can get education and thereby do his work better. Under this system you cannot therefore succeed in solving these problems. I do not wish to take up the time of this House any longer,

but I again say that I support the amendment of my Honourable friend Mr. Sadiq Hasan.

The Reverend Dr. E. M. Macphail (Madras: European): After listening to my Honourable friends Mr. Joshi and Mr. Chaman Lall, I feel that the large question which they have raised, while I recognise its importance, is one which they have practically told us it will be impossible for this House to solve except in the way in which they wish it solved. That is to say they are proposing a Committee which, in their opinion, if it is to bring in valuable results, will recommend the adoption of Socialism, if not of Communism. We are not inclined at present, I think, to adopt Russian methods which have not been altogether successful in the increase of wealth in that country.

Mr. N. M. Joshi: May I, Sir, ask whether the appointment of a Committee is a British method or a Russian method?

The Reverend Dr. E. M. Macphail: I was referring to the attempt to do without the capitalist. That was what I was thinking of.

Mr. K. Ahmed: It is a Church method, Sir. (Laughter.)

The Reverend Dr. E. M. Macphail: I have intervened in the debate because I have a great deal of sympathy with my Honourable friend Sir Sivaswamy Aiyer's amendment, and I should be inclined to vote for his amendment were it not that I feel that the work which he proposes to be done would be better done by the Provincial Committees which have been already appointed or are being appointed. I may be wrong, but my idea would be that these Committees should consider the matter under local conditions and, when the time comes, the Government of India should consider these reports and attempt to co-ordinate them.

As regards the question as to how far the unemployment of the educated classes is due to British rule, I confess that it is largely due to British rule. India is one of the few countries in which you have the career open to talent, where it is possible for a poor boy, a boy with no wealth, to rise to the highest positions in this Empire. And it is because of that fact, I believe, that there is such a desire to obtain higher education. I have often asked my Brahmin students what would they have been doing had the British never come to India, and as far as I can make out they would have been living upon their lands and upon the offerings of the people.

Mr. C. S. Ranga Iyer: What do they do in Japan?

Sir Hari Singh Gour: They have no Brahmins in Japan.

The Reverend Dr. E. M. Macphail: I am not aware as to what happens to the Japanese Brahmins, but I know that the result of our introducing University education in Madras, at all events, has been to attract a very very large number of Brahmins into the service of Government and also to the law courts.

Mr. K. Ahmed: What a shame!

The Reverend Dr. E. M. Macphail: I think it is natural, Sir. The remuneration of gentlemen in the law courts is sometimes very high. Sometimes it is not, I admit, but still there are prizes and the natural thing for young men is to fancy that they are likely to obtain one of these prizes and therefore they go to the Bar. Their other great object is to get into Government service. That service perhaps is not so attractive as it used to be—it certainly is not so attractive to the Brahmins in Madras—but it is still one

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of the things that attracts people. What I personally should like to see in the interests of education is that, as far as possible, we should dissociate the Universities from the idea that instead of being places of learning they are avenues to Government employment. I once had the audacity to say something about a University being a place of learning and a man wrote to the papers saying that Mr. Macphail was mistaken in saying that a University was a place of learning, it was a place which conferred a title upon a man to enable him to earn his bread and butter

Pandit Sham Lal Nehru: As a clerk!

The Reverend Dr. E. M. Macphail: Not only as a clerk but as a journalist or it may be as a lawyer.

Mr. K. Ahmed: Or as a Swarajist! (Laughter.)

The Reverend Dr. E. M. Macphail: I do not wish to take up the time of the House but I really rose partly to protest against the remarks of Mr. Chaman Lal with regard to our University education in this country. He said it was designed in order to produce the Babu and that that was the intention of the Government. I suppose he means by that the same kind of thing that used to be given to me as a parrot-cry by some of my young friends,—the phrase "slave mentality". According to Mr. Chaman Lal our education is simply designed to prevent people from thinking. When I look round the Benches here I am convinced, Sir, that our education has not had that result. The education that we have given in our colleges has largely produced the large amount of talent that I see on the Benches opposite me.

Mr. Ahmad Ali Khan (Assam: Muhammadan): Sir, I rise to oppose the Resolution of my Honourable friend Mr. Rangaswami Iyengar and my reasons are these. I am convinced that a suitable agency for the purpose of investigating the causes and collecting material cannot be appointed by the Government of India, but that it should be a Committee appointed by the Provincial Governments in each of the various provinces. The fact remains that there is a great deal of unemployment but I do not think that it is general to the extent that has been made out by some of the speakers on the other side of the House. Much of the unhealthy unrest among the young men, particularly in Bengal, is due to this cause. Sir, were I to apportion the blame for this unquestionably deplorable state of things, I would not exempt some of the educationists, in my opinion misguided educationists, who have done their best to flood the market with graduates in Arts for whom the country has nor can have any demand. Indianisation of the Government in the various services and the opening up of new avenues of occupation, will, I have no doubt, to a certain extent relieve the situation, but it will be but a partial remedy. And in this connection I cannot free the Government from a certain amount of responsibility in the matter. Just to illustrate my point I will inform the House that a young man of my acquaintance wanted to study Botany. One would have thought that a subject like Botany would be universally taught in our colleges, at least in Calcutta. You will be surprised to hear that there are only two or perhaps three colleges which give instructions in Botany. My point is that the system of education is wholly unsuited to the needs of the present generation, and to support my opinion I will

cite one or two lines from a book written by an English author, J. S. Nicholson

Mr. A. Rangaswami Iyengar: Very old.

Mr. Ahmad Ali Khan: No, new, 1925.

Mr. A. Rangaswami Iyengar: A reprint.

Mr. Ahmed Ali Khan: He says:

"That most of the educational effort of European Governments in the East had for its primary object the training of clerks for the Government services."

(*An Honourable Member:* "What are you reading from?") It is a recent book by Mr. Nicholson published in 1925.

Mr. A. Rangaswami Iyengar: Reprinted in 1925.

Mr. Ahmad Ali Khan: Now as the primary object in this country is not to train clerks, but to train thinkers and administrators, I submit that we should have a thorough overhauling of the entire educational system—a revision of the basis on which it is founded. I may be permitted to quote again from the same book, at page 250—some Honourable Members may like to read it. He says:

"The schools are producing a middle class separated from the whole life of their community and without prospects outside it. 'India is an agricultural country but the present system was built upon urban models. It should be based upon the village. The object of education should be to fit the children for the normal healthy life of the community of which they form a part.'"

That is where the Government have utterly failed.

Well, Sir, it is my firm conviction that unless you go to the root cause in dealing with the trouble you will only be providing an ineffective or at best a partial remedy. The subject is a very wide one. The matter has been exhaustively dealt with by several of the previous speakers. I do not wish to repeat what they said, although at the same time I feel, as I have already stated, that I cannot accept the Resolution as it stands. That is to say I do not believe that a Committee appointed by the Government of India is the best agency for the purpose; it would be better left to Provincial Governments to take action and appoint a Committee in each of the provinces, because the causes which are responsible for the trouble are of varying character and vary in different provinces.

(Several Honourable Members moved that question be put.)

***Mr. Bipin Chandra Pal** (Calcutta: Non-Muhammadian Urban): Sir, I had no intention of intervening in this debate until an amendment was put forward, first, by my Honourable friend, Mr. Sadiq Hasan, and, secondly by my Honourable friend, Lala Lajpat Rai. It seems to me, Sir, that the original intention and scope of the Resolution proposed by Mr. Rangaswami Iyengar on behalf of Kumar Ganganand Sinha and amended within the scope of that object by Sir Sivaswamy Aiyer has been completely changed, lock, stock and barrel, by Lala Lajpat Rai's amendment. We know there is unemployment all round. There is unemployment among those who are employed in the various industries. There is unemployment among the agricultural labourers also to some extent; but the problem with which we are asked to deal by the original Resolution is unemployment among the middle class, that is, unemployment among the class who are turned out by our Colleges and our Universities, unemployed among the class

*Speech not corrected by the Honourable Member.

Mr. Chaman Lal: What is the middle class?

Mr. Bipin Chandra Pal: My friend knows what the middle class is.

Mr. Chaman Lal: What?

Mr. Bipin Chandra Pal: The middle class is that to which he belongs.

Mr. Chaman Lal: I repudiate that charge, Sir. (Laughter).

Mr. K. Ahmed: Bring him in.

Mr. Bipin Chandra Pal: No, I do not want to bring him in. He has got a higher place because the leadership of labour is higher than the middle class of ancient society. Now, I quite understand and you, gentlemen, all know what the middle class is?

Mr. Chaman Lal: What is it?

Mr. Bipin Chandra Pal: The middle class is that class which has engaged itself for generations past in literary or quasi-literary occupations. That is the middle class.

An Honourable Member: Why, not industrial occupations?

Mr. K. Ahmed: It is a misleading definition.

Mr. Bipin Chandra Pal: It is so difficult not to mislead my Honourable friend, Mr. Kabeer-ud-Din Ahmed that I am not sorry I am misleading him. Just now that is not the question. It is to investigate into the problem of unemployment among the middle classes and to suggest remedies for the same. This unemployment among the middle class, we all understand what it is.

Mr. K. Ahmed: No, no.

Mr. Bipin Chandra Pal: I can only give reasons, not understanding. Now middle class unemployment is unemployment among educated people, those who are turned out, I repeat, by our Colleges and our Universities, and this middle class unemployment is a very serious problem not only in economics but also politically. No Government can neglect this middle class unemployment because the fact of the matter is this, that if this middle class becomes disaffected, discontented, then the result is that they cause unrest in the lower classes and create tremendous revolutions.

Mr. K. Ahmed: They have.

Mr. Bipin Chandra Pal: Revolutions all over the world have been led by this middle class supported by the masses.

An Honourable Member: As you did.

Mr. K. Ahmed: And went to jail several times.

Mr. Bipin Chandra Pal: Yes, but jail was jail then and not a father-in-law's house as it is now. Therefore it is a political problem also. And how are we to solve this problem? It is not merely an economic problem either. It is a very complex problem, largely due to the mentality of these very middle classes themselves. The young man who is turned out of our Colleges and Universities in ninety-nine cases out of every hundred does not want to engage himself in hard manual labour; he

wants to be the head of other labourers; he wants to be a boss of labour and not a real labourer himself. Now, let us be honest for once, and let us ask ourselves this question about our sons, my son, or the son of my friend over there when he gets one. Is he going in for the learned professions or is he going in for such work as will place him in a chair and not put him on the lowest rung of the ladder? What would he prefer? I frankly say, Sir, one of my sons is training himself for mechanical and electrical engineering; but when I learn that he has to wield a hammer hour after hour, I frankly say I do not like the idea of it very much. I would have preferred if he could have done without it. That is the general feeling. It is ingrained in us and that feeling is to a very large extent responsible for this middle class unemployment, with which this Resolution deals. That feeling is very largely responsible for it, and of course I would not mind my son being the boss of labour; I would not mind my son being a leader of a Labour Union; I would not mind my son leading two thousand labourers (*Mr. T. C. Goswami*: "Leading an army.") leading an army of labourers. Now, that is the real situation. We must change our mentality; we must change not only our mentality but our social system also. It is all very well to preach democracy in the Council Chambers and in public meetings; but when practical proof of democracy is demanded of us, when a man in rags enters my sitting room—I have not much of a drawing room—well will my democracy stand it? When my brother, my fellow-countryman for whom my heart bleeds, comes in his rags and wants to sit by me on my sofa, why, my democracy flies out of the window. (*Cries of "Yours, yours."*) Yours, yours.

Mr. Ohaman Lall: You are not telling the truth if you say that it is so.

Mr. Bipin Chandra Pal: You are not an individual; you represent the class.

Mr. Ohaman Lall: You are addressing your remarks to me personally.

Mr. Bipin Chandra Pal: Now, that is the real fact. That is the honest truth. I know it, and other people also know it. (*An Honourable Member*: "We also know a great deal.") That is the situation. Unless you are able to change the mentality of our people, unless we change the entire social system which is not democratic or socialistic in the sense in which these things are understood in other parts of the world, unless you are able to do that, until we are able to recognise the God in man, be he poor or rich

Mr. Ohaman Lall: The God in the *Englishman*.

Mr. Bipin Chandra Pal: Until you change the entire social system and the mentality of our people, it will not be possible to solve this question. I say it is this mentality which is very largely responsible for the middle class unemployment.

Now, Sir, it was said that there is no middle class. My Honourable friend, Lala Lajpat Rai, said that there is no middle class; there are only the rich and the poor. He forgets that we have in this country middle classes who are exceedingly poor in some places, poorer than those who are not regarded as the middle classes. In Bengal there are middle class

[Mr. Bipin Chandra Pal.]

people who are known as middle class people, Brahmins, Kayasthas and Vaidyas, who are in many instances immensely poorer than the agriculturists in certain parts of Bengal.

Pandit Shamlal Nehru: We have no classes. We have only one class of slaves.

Mr. Bipin Chandra Pal: Now, these agriculturists in Bengal make more money than the poorer middle class men. Therefore, it will not do to say that there are no middle classes. Of course, if you make your banking account the standard of judgment, you may say that there are no middle classes in India, but the social standard is there. Society recognises the middle class as it recognises the higher classes and a lower middle class. Therefore, we have got to face this problem of middle class unemployment. It affects us; it affects at least 90 per cent. of the people of this country. And my submission is that by expanding the scope of this Resolution we shall be defeating the very purpose for which the original Resolution was moved. Sir, the middle class unemployment is more bitter than unemployment among the working classes. I have been told that Exchange Bureaus or Labour Bureaus can be established. Now, labour unemployment can be removed by the organization of labour, and by opening up new works. The other day in London, when they had a fall of snow and the whole city was covered with snow, we read in the papers—you all read it—that the unemployed received employment in removing the snow from the streets of London. Now, I wonder if that is the kind of solution which will help the middle class unemployment among us.

Mr. A. Rangaswami Aiyengar: Why not?

Mr. Bipin Chandra Pal: If there is famine, relief works are opened up by the Government for making roads, and so on. Now, I want to know if the graduates and undergraduates who apply in shoals whenever there is any vacancy carrying a salary of Rs. 40 or Rs. 50 would care to be employed in road making. Would they care to carry loads from one place to another?

An Honourable Member: Would your son do it?

Mr. A. Rangaswami Aiyengar: Sir Sivaswamy Aiyer said that they would, and they are actually doing it in factories.

Mr. Bipin Chandra Pal: I do not know how the situation stands in Madras. I can only speak of things that I know of in Bengal.

Mr. A. Rangaswami Aiyengar: You have been speaking of Madras, and you need not do it hereafter.

Mr. Bipin Chandra Pal: I did not talk of Madras unemployment. I do not know if my Brahmin friends in Madras would carry loads and try to solve this unemployment problem. I do not know if graduates and undergraduates in the Madras Presidency would be satisfied with Rs. 2 a week or 8 annas a day even if they were given some work of the kind which is generally given to a man who is engaged in road making. That is not the case. The real truth is this. We want intellectual labour, we want intellectual employment to remove middle class unemployment, and that being very difficult of attainment, we must change our mentality.

(Pandit Shamlal Nehru: "Like you") We must change our social system, we must change our system of education, and we must induce our young men not to avoid, even if they do detest, manual labour. That is the real difficulty. There are honourable exceptions. I know there are men in my own community, as all the world over, with whom all labour is one, whether it be manual or mental. But they are very rare. With most of our people manual labour is regarded as not honourable and mental labour is the only kind of labour which is honourable.

With these remarks I support the original Resolution and oppose the amendment of my friend Lala Lajpat Rai.

Mr. B. K. Shamsukham Chetty: I move that the question be now put.

The motion was adopted.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour) Sir, for the last three or four hours I have listened with considerable interest to the debate which has been conducted in this House on a question whose importance is undoubtedly recognised by everybody. I have heard the various opinions expressed on the subject by various Members and also the various ramifications which have been brought to light as the debate proceeded. It gave me great pleasure to find that a considerable body of my countrymen are now taking an increasing interest in problems relating to the economic welfare of the country.

Mr. T. O. Goswami (Calcutta Suburbs Non-Muhammadan Urban) We wish the Government would take some more interest

The Honourable Sir Bhupendra Nath Mitra: I am not concerned with the Government at present, if Mr Goswami will pardon me. I am now referring to the public. For, I am one of those Indians who feel, and feel very strongly, that on the solution of these economic problems will depend largely the ultimate regeneration of India. I have also listened with pain and regret to the perverted utterances and perorations of certain morbid intellects. I shall simply leave it at that. I might have been inclined at that stage to repeat the words of the great Rabindra Nath Tagore uttered before a somewhat similar assemblage. I may be pardoned for repeating a few lines. Mr Goswami will probably repeat the whole later on and translate it.

"Elki sudhu kashi khalā pramodera melā,
nichhe sudhu kashā ohhalānā
Beebhā hi kethā yashera kāmāli,
kathā ganthe genthe nite karatāli."

I shall simply leave it at that. (Several Honourable Members: "Translate it.") I shall leave that to my friend Mr. Goswami.

(Several Honourable Members again pressed for a translation.)

Mr. President: Order, order.

The Honourable Sir Bhupendra Nath Mitra: I am not going here to present a dissertation as to the causes, primary, root or subsidiary, of this

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problem of unemployment in general, or of the middle classes. We have heard a good deal on the subject from various speakers. The Honourable Member of the original Resolution ascribed it to the foreign domination essentially. If my Honourable friend, by that reference to the fact that for several centuries a large mass of the people in this country has ceased to be governed by the representatives of themselves, possibly there is something in that. Anyhow, I rather prefer not to be dragged into political discussions on this question. I have said that there is little doubt that there is unemployment among the middle classes. At a certain stage in my career I had to organise a number of offices and I had the good fortune to give employment to a certain number of people belonging to the educated middle classes. The result has been that ever since then I have been flooded with letters from these educated young men in which they bring out at length their pitiable condition and implore me to save them from starvation. They do not believe that I have no more opportunities in that direction. They probably think that with my gradual rise in the rungs of the bureaucratic ladder I have become a hard-hearted man. I also receive letters from mothers and wives of young men of this class written in more vernaculars than I can decipher. That is, Sir, the position. But what is the remedy? That is the real point we are more concerned with. (Mr. K. Ahmed "Send them all to jail.") It seems to me that most of my friends here take the view that Government can, by some magical process, through the appointment of a Commission or otherwise, get rid of this problem altogether. May I read out to my Honourable friends a passage from one of the books of the celebrated Burke:

"To provide for us in our necessities is not in the power of Government. It would be a vain presumption in statesmen to think they can do so. It is in the power of Government to prevent much evil. It can do very little positive good."

I think that this remark applies fully to the circumstances of this case. Still, I do not say that it is not possible for Government to take some action in that matter. But have Government failed to take that action? It may be that in the early stages of British rule in this country Government were more concerned with measures for the preservation of internal law and order and the repulsion of foreign aggression. Some of my Honourable friends on the other side may take exception to that action on the part of the British Government. Possibly they think that if the Government had not taken that action, the problem of unemployment would have been solved as it used to be solved in the pre-British days, that is, by successive spells of anarchy and consequent thinning of the population. But after they had safeguarded these important interests of the people Government began to interest themselves in other problems. Under the scheme of constitutional reforms introduced in 1920, all these questions connected with nation building have been handed over to Provincial Governments acting with their Ministers. I was a little surprised to hear from Members in this House who a few months ago advocated complete provincial autonomy that the Government of India should now intervene in matters which primarily concern the Provincial Governments. Is the need for this intervention established? Have the Provincial Governments not taken sufficient action in the matter? (Several Honourable Members: "No.") I must dissent from that. Whatever may be the pos-

tion in one or two provinces, that is not the universal position. (The proceedings of Local Governments and of their Legislative Councils show that they have not been unmindful of their responsibility in the matter. In Bengal where the problem is probably more acute than in any other part of India, the local Legislative Council passed a Resolution on the subject in March, 1922, and in pursuance of that Resolution the Local Government appointed a Committee whose report was published last year. I have got the report here. It was referred to by Sir Sivaswamy Aiyer. I wonder if any other Member, or whether any considerable number of Members in this House, have ever cared to read that report.

Mr. A. Bhangaswami Iyengar: What has happened to the report?

The Honourable Sir Bhupendra Nath Mitra: The Local Government is taking action on the report.

Mr. M. A. Jinnah: There is no transferred subject there.

The Honourable Sir Bhupendra Nath Mitra: I cannot help that. It was also referred to by some previous speaker. I would rather prefer not to drag in purely political questions in dealing with this economic question. Resolutions on the subject were also passed by the Madras and the United Provinces Legislative Councils in August 1925. That passed by the Council of the United Provinces referred to middle class unemployment, whereas the Resolution passed in the Madras Council covered a wider field, both general unemployment and the unemployment among the educated middle classes. I know that the Madras Government have just appointed a Committee in pursuance of that Resolution. The United Provinces Government have a Development Board and they have referred the matter in the first instance to their Development Board. Meanwhile have the Government of India been wholly idle and apathetic? I distinctly say No. They have taken a considerable amount of action in various directions, such action in certain cases being based on the recommendations of their Legislature. In 1916, they appointed the Indian Industrial Commission, of which my friend Pandit Madan Mohan Malaviya was one of the members. That Commission examined the whole question of the development of Indian industries and of industrial and technical education. The Commission reported in 1918. The introduction of reforms in the constitution of India were under discussion in 1918, and were introduced in 1920. Under the reformed constitution both education and the development of industries, including industrial research and technical education, have become provincial transferred subjects and this has prevented the Government of India from issuing definite instructions about the action to be taken by the Provincial Governments on most of the recommendations of that Commission. The Report of the Commission however forms a valuable document for the guidance of Provincial Governments and their Ministers. And there is evidence that these authorities in most of the provinces have been taking action on the recommendations of the Commission, with or without the assistance of subsidiary Provincial Committees appointed by them, to the extent that such action is possible within the funds at their disposal.

In their own sphere the Government of India have taken steps to develop their research institutions and a Mines School is about to be opened at Dhanbad. They have also formed and are gradually developing the Indian

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Stores Department. They have modified the rules for the purchase of stores required for the Central Government so as to give greater latitude for the purchase of articles manufactured or available in India so far as this is possible without undue sacrifice of efficiency or economy. Further modifications of the rules with the same object are under consideration; while Provincial Governments have recently been given practically a free hand in the matter of purchase of stores required by them.

The Industrial Commission was followed by the Indian Fiscal Commission of 1921-22, and with reference to the recommendations of that Commission the Government of India have appointed a Tariff Board and have granted protection to a certain number of Indian industries (An Honourable Member: "Unemployment?") well, if said Indian industries, and Government's action has undoubtedly helped to reduce unemployment. There have been other Committees like the Indian Mercantile Marine Committee, action on whose recommendations to the extent that it is possible to accept them, may provide further avenues of employment to the educated middle class; and the question of extending the grant of King's commissions in the Indian Army to Indian youths is now engaging the consideration of the Skeep Committee.

The Government of India in recent years have also adopted a more vigorous policy in regard to the development of their railways, and these measures of development will tend to reduce unemployment not only among the middle classes, but among the other classes as well if there is any severe unemployment among them.

The policy of Indianization of the services with reference to the accepted recommendations of the Lee Commission and the replacement by Indians of certain classes of British personnel in auxiliary services of the Army will also provide extended avenues of employment for educated Indian youths. At the same time, and this has already been recognized by various speakers who have spoken before me, it is obviously impossible for the Government, Central or Provincial, to find employment for all the educated Indian youths seeking employment.

The Government of India have also in recent years taken steps to place the finances of the country on a satisfactory basis and to rehabilitate her credit. Stability and improvement in these directions were essential for the purpose of any development of the country, industrial or otherwise. In consequence of the measures adopted by them the Government of India found it possible last year to make reductions in some of the contributions levied by them from the Provincial Governments and this will enable the latter to make more funds available for purposes of development in various directions.

The External Capital Committee was appointed in 1924, and it has recommended *inter alia* a survey being undertaken at the earliest possible opportunity of the whole field of banking in India, which should be followed by detailed examination by an expert Committee or Committees of the lines along which progress should be effected, including provision for a comprehensive scheme of banking education directed at forming an adequate supply of Indian bankers trained to sound and modern ideas. These suggestions are now engaging the consideration of the Government of India.

The Indian Economic Inquiry Committee was also appointed at the beginning of 1925, to make recommendations as to the lines on which a general economic survey of the country should be carried out. The Committee has submitted its Report and its recommendations have been referred for the opinion of Local Governments, whose co-operation is essential for the purposes of such a survey.

Lastly, as was announced by His Excellency the Viceroy on the 20th January last, the Government of India have obtained the approval of His Majesty, the King Emperor, to the appointment of a Royal Commission on Agriculture, which still forms and will form for years to come the predominant industry of India. It has already been recognized by various speakers who preceded me that a remedy of the unemployment among the educated middle classes may be found in some scheme of agricultural development. My friend, Lala Lajpat Rai doubted whether the Commission to be appointed is likely to deal with questions relating to the state of employment among the rural classes. Well, I find one of the items which they will investigate is the main factors affecting rural prosperity and the welfare of the agricultural population. That seems to me to be wide enough.

Lala Lajpat Rai: The three heads were specially excluded. I was talking of those three sub-clauses which had been specially excluded from the purview of the Royal Commission—land tenure, land assessment and irrigation.

The Honourable Sir Bhupendra Nath Mitra: I thought Mr Chaman Lal referred to that, in connection with what he stated about the sub-division of land tenures.

Lala Lajpat Rai: That was exactly the reverse. He referred to the sub-division of the land tenures, and I referred to those three clauses. However, it does not matter.

The Honourable Sir Bhupendra Nath Mitra: Mr Chaman Lal is now not here, but when he referred to the particular matter of the sub-division of land tenures—I do not know the position in the Punjab, but I know the position in Bengal, and the position in the Punjab is probably the same—I would have asked him, does he want the Government to interfere with the law of Manu? What was his idea?

An Honourable Member. Why not? It has been several times.

The Honourable Sir Bhupendra Nath Mitra: Sir, from what I have said, it will be abundantly clear that the Government of India and the Provincial Governments have already taken a great deal of action towards the investigation of the problem where it is possible for Government to take a certain amount of action in the matter. It is not possible for Government to solve it wholly, because it is obvious, and it has already been brought out by several of the speakers who have preceded me and who are in a position to speak on the subject with more knowledge and confidence than I can claim, that there are certain factors connected with

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 the psychology of the people and their social and quasi-religious habits which enter into the solution of the problem. It is for the leaders of the people in the provinces to take steps to secure a solution of this part of the problem.

Now, Sir, I may say that I have up to now been dealing generally with the question of the unemployment of the educated middle classes, though my remarks apply also to the problem as a whole because I think it will be readily recognized that the only real solution of this problem of unemployment whether among the masses or among the educated middle classes is the development of the country in various directions. In regard to the unemployment among people other than the educated middle classes, I do not know what the position really is all over the country. I know this that in the part of the country I come from, Bengal, there is no such unemployment, and I thank my friend, Mr. Bipin Chandra Pal, would be able to support me in this matter, namely, that the unemployment that exists there is the unemployment among the middle classes. In regard to industrial labour, Bengal really imports what it wants. Therefore, the conditions are different in different parts of the country. Possibly the position is the same in the United Provinces as it is in Bengal. That is probably the reason why their local Legislative Council have not included the people outside the educated middle classes within the purview of the Committee they recommended. I have read the debates in the Madras Legislative Council. Apparently in that province there is unemployment among agricultural labourers and therefore the terms of reference to the Committee in Madras have been recommended to be more general. All that I have said indicates the importance of leaving the Provincial Governments, at least at the earlier stages, a free hand to deal with the problem. I have already pointed out that the Provincial Governments are not unimportant of their obligations in the matter. When these Provincial Governments, particularly of the provinces where there is unemployment among people at large or among the educated middle classes, when they have investigated the matter with the help of local Committees on which they are appointing large numbers of non-officials, there may come a time when it may be necessary to appoint a Central Committee; and when that stage is reached, in fact when Provincial Governments come up to the Government of India and tell the Government of India that the time has been reached when a Central Committee is required for the purpose of co-ordination and co-relation, the Government of India will not hesitate to appoint that Committee. At the present moment the appointment of such a Committee would be perfectly futile as has been brought out by various speakers who have preceded me. It will not only be futile, but it may be taken exception to by the local Legislative Councils and the Ministers. In a province like Madras where they are about to appoint a Committee, if the Government of India now intervene at the desire of this House and appoint a Committee of their own, such action is bound to cause irritation to the Madras Legislative Council which passed a Resolution with reference to which a Committee was about to be appointed by the Provincial Government. The earnest of the Government of India's intentions in this matter has already been given by the fact that they did not hesitate to appoint a Royal Commission on Agriculture when they were

to the conclusion that co-ordination of the work done by Provincial Governments had become necessary.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Did you appoint a Royal Commission or the Secretary of State?

The Honourable Sir Bhupendra Nath Mitra: So far as I know the Government of India were responsible for it. It was appointed by His Majesty the King Emperor at the instance of the Government of India. I submit therefore, Sir, that this House should not press the Resolution to a definite issue. In fact I really do not know what the substantive proposition before the House is. There has been a considerable disagreement on the subject and apart from the original Resolution, I believe there are three amendments on which divergent views have been expressed. That being the position, I would implore the House to leave the matter where it is. All the Provincial Legislative Councils will certainly see this discussion and those of them who have not been particularly keen in taking action in the matter will probably feel the impulse of this discussion and will take such action as they ought to take in the matter. In fact, the only action which the Government of India can possibly take under present conditions, even if this Resolution in some form or other were passed by the Assembly, would be to draw the attention of the Provincial Governments to the Resolution.

Mr. T. O. Goswami: Before you put this very important Resolution to the vote, Sir, may I point out that the most intelligible part of the Government Member's speech was missed by the Legislative Assembly because he refused to translate the passage which he read out in Bengali.

Mr. President: Order, order. The original question was:

"That the following Resolution be adopted, namely:

'This Assembly recommends to the Governor General in Council that he may be pleased to appoint a Committee having a non-official majority to investigate into the problem of unemployment among the middle classes and suggest remedies for the same'."

Since which the following three amendments have been moved:

"1. That for all the words after the words 'to investigate' the following be substituted:

'the problem of unemployment among the educated classes of India and devise suitable remedies whether by a system of industrial and technical education, or by a revision of the existing system of education, or by offering encouragement to the starting of new industries, or by opening new avenues of employment, or by the establishment of employment bureaux or by all these or any other means'."

2. "That the words 'among the middle classes' be omitted."

3. "That for the original Resolution the following be substituted:

'This Assembly recommends to the Governor General in Council that he may be pleased to appoint a Committee with a non-official majority to investigate into the problem of unemployment in general and among the educated classes in particular and devise suitable remedies whether by a system of industrial and technical education, or by a revision of the existing system of education, or by offering encouragement to the starting of new industries, or by opening new avenues of employment, or by the establishment of employment bureaux or by all these or any other means; and that the said Committee do make a report on the latter problem as early as possible'."

The question is:

"That the last amendment be made."

The Assembly Divided.

AYES—48.

Abdul Karim, Khwaja.
 Acharya, Mr. M. K.
 Aiyangar, Mr. K. Rama.
 Aiyer, Sir P. S. Sivaswamy.
 Badi-ur-Rahman, Maulvi.
 Chaman Lal, Mr.
 Chanda, Mr. Karam Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Amar Nath.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Ghulam Abbas, Sayyad.
 Goswami, Mr. T. C.
 Gaur, Sir Hari Singh.
 Gulab Singh, Sardar.
 Ha, U.
 Ismail Khan, Mr.
 Jyengar, Mr. A. Rangaswami.
 Jinnah, Mr. M. A.
 Kasturibhai Lalbhai, Mr.
 Kidwai, Shaikh Mushir Hosain.
 Lajpat Rai, Lala.
 Mahan, Khan Sahib M. E.

Malaviya, Pandit Kashinath.
 Malaviya, Pandit Madan Mohan.
 Misra, Pandit Shambhu Dayal.
 Mutalik, Sardar V. N.
 Narain Das, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Sham Lal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. E.
 Ray, Mr. Kusum Sanakar.
 Sadiq Hasan, Mr. S.
 Samiullah Khan, Mr. M.
 Sarfaraz Hussain Khan, Khan Bahadur.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Talatuley, Mr. S. D.
 Tok Kyi, U.
 Venkatapuraju, Mr. B.
 Yusuf Imam, Mr. M.

NOES—46.

Abdul Qayyum, Nawab Sir Sahibzada.
 Abul Kasem, Maulvi.
 Ahmad Ali Khan, Mr.
 Ahmed, Mr. K.
 Aqab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Akhmanman Chowdhry, Khan Bahadur.
 Bajpai, Mr. R. S.
 Bhore, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Chow, Mr. A. G.
 Cocke, Mr. H. G.
 Crawford, Colonel J. D.
 Donovan, Mr. J. T.
 Gordon, Mr. E. G.
 Graham, Mr. L.
 Heslett, Mr. J.
 Hira Singh Brar, Sardar Bahadur Captain.
 Hudson, Mr. W. F.
 Hussainally, Khan Bahadur W. M.
 Innes, The Honourable Sir Charles.
 Jatar, Mr. K. S.

Lindsay, Sir Darcy.
 Lloyd, Mr. A. H.
 Lohokare, Dr. K. G.
 Macphail, Rev. Dr. E. M.
 Magure, Mr. L. T.
 Mitra, The Honourable Sir Bhupendra Nath.
 Muddiman, The Honourable Sir Alexander.
 Muhammad Ismail, Khan Bahadur Sayid.
 Naidu, Rao Bahadur M. C.
 Owens, Lieut.-Col. F. C.
 Rahman, Khan Bahadur A.
 Ragan, Bakht Shah, Khan Bahadur Makhdoom Syed.
 Raj Narain, Rai Bahadur.
 Reddi, Mr. K. Venkataramana.
 Roy, Mr. G. P.
 Singh, Rai Bahadur S. N.
 Stacey, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Vernon, Mr. H. A.
 Vijayaraghavachariar, Sir T.
 Willson, Mr. W. S.

The motion was adopted.

The Honourable Sir Muhammad Hakeebullah (Member for Education, Health and Lands): Sir, with your permission I wish to ask the Honourable the Leader of the House to make a statement in respect of the Resolution standing on the paper in the name of Mr. Gaya Prasad Singh before it is actually moved.

RESOLUTION *RE* TREATMENT OF INDIANS IN SOUTH AFRICA.

The Honourable Sir Alexander Muddiman (Home Member): Sir, it is frequently my fate to have to make statements in this House which indicate wide differences of opinion between the Government and some parts of the House. To-day I am fortunate in being in the position that I am dealing with a subject on which every Member of this House is in the same camp. I refer to the treatment of Indians in South Africa. Now, next on the paper is a Resolution by Mr. Gaya Prasad Singh which deals with that subject. There is also an amendment in the name of my Honourable friend Pandit Motilal Nehru which I know is powerfully backed by another party also. Now the discussion of the motion and the amendment at this particular juncture will, in the considered opinion of the Government of India, prejudice the position in South Africa where negotiations are at a very difficult and critical stage. I therefore ask the Honourable the Mover of the Resolution and the House to consider whether, in the best interests of those whom they are seeking to support in maintaining their rights, it would not be proper and wise to postpone this discussion till later in the current Session. The attitude of this House and the advice of the Standing Committee in regard to this matter have so far been a source of real strength and assistance to the Government, and I cannot believe that we cannot rely on that feeling being continued. The Government of India, on the other hand, have done all that lay in their power to bring about a fair settlement, and I need hardly give the assurance that they will continue to do so. I will, however, recall His Excellency the Governor General's statement: "I and my Government are at one with the general feeling in India". I would therefore ask Mr. Gaya Prasad Singh, in whose name the Resolution stands, not to move it to-day on the definite understanding that the Government will give this House an opportunity of considering it and any amendments that may be made to it before the expiry of the current Session. The exact date would of course be to a great extent dictated by the march of events in South Africa; but I will arrange to keep in touch with the parties in this House and as far as possible fix a date suitable to all.

Mr. Gaya Prasad Singh (Tirhut Division: Non-Muhammadian): Sir, I am obliged to the Honourable the Home Member for the statement which he has just made. I need hardly say that I have no desire of doing anything which might embarrass the Government in their somewhat difficult and delicate negotiations with the authorities either in South Africa or in England. I also gather that there is a general desire on this side of the House that I should defer moving my Resolution to a later date. In deference to the wishes of the Government, I seek your permission not to move the Resolution to-day, on the clear understanding that another day in the current Session will be given to me without balloting for it again on an official day.

Mr. President: No permission of the Chair is necessary for not moving a Resolution. If the Honourable Member accepts the assurance given by the Honourable Home Member, he need not move his Resolution; it is entirely for the Honourable Member to decide whether he should or should not move his Resolution.

Mr. Gaya Prasad Singh: I do not move it, Sir.

Pandit Motilal Nehru: Does that exempt him from the chances of the ballot?

Mr. President: The Honourable Member will not have to ballot for the Resolution. I understand Haji Wajihuddin in whose name the third Resolution stands does not desire to move it. Mr. Acharya.

Mr. M. K. Acharya: Sir, after the very sympathetic and very illuminating speech of His Excellency the Viceroy on the opening day and after the still more sympathetic and still more illuminating replies of the Home Member to questions here on the national demand, I do not propose to move the Resolution.*

Mr. President: Resolution No. 5 is disposed of by Resolution No. 1. I would like to know whether it is the desire of Mr. Neogy to move his Resolution at this late hour.

Mr. K. Q. Neogy: Sir, I do not propose to move my Resolution† at this late hour: I had an opportunity of discussing the question

Mr. President: No speech is permissible.

THE INDIAN NATURALISATION BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to lay on the table the Report of the Select Committee on the Naturalisation Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 1st February, 1926.

*" This Assembly recommends to the Governor General in Council that he may be pleased to amend the Rules in force under the Government of India Act, so that—

- (a) Every Resolution duly passed by the Legislative Assembly, unless under the extraordinary powers vested in the Governor General by the Government of India Act, and for reasons to be duly notified by him, it be set aside by the Governor General, shall be binding on the Government;
- (b) and any Resolution passed three times by any Legislative Assembly within the life-time of that Assembly shall be binding on the Government and shall not be set aside by the Governor General under any of the powers "vested in him."

†" This Assembly recommends to the Governor General in Council that, having regard to the steadily aggravating depression in the Indian coal trade, the questions be referred to the Tariff Board for investigation, as to (a) whether a bounty should be granted to Indian coal exported to foreign ports, (b) whether an additional duty should be imposed on fuel oil imported into India, and (c) if so, what the rates of such bounty and duty should be."

LEGISLATIVE ASSEMBLY.

Monday, 1st February, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN:

Lieutenant-Colonel H. A. J. Gidney, M.L.A. (Nominated: Anglo-Indians).

QUESTIONS AND ANSWERS.

EXPENDITURE ON THE INDIAN DELEGATION TO THE ASSEMBLY OF THE LEAGUE OF NATIONS AND THE INTERNATIONAL LABOUR CONFERENCE.

444. ***Mr. B. Das:** Will Government be pleased to state the expenses incurred:

(a) by the Labour Delegation of India to Geneva,

(b) by the Delegates of India to the League of Nations?

Mr. L. Graham: (a) Small claims are still outstanding but the total expenditure in connection with the last delegation will not exceed Rs. 17,000.

(b) The information is being obtained from the India Office and will be supplied to the Honourable Member in due course.

INTERCEPTION OF COPIES OF *NEW ASIA* ARRIVING IN INDIA.

445. ***Mr. Chaman Lall:** (a) Is it a fact that copies of *New Asia* arriving in India have been intercepted?

(b) Will Government state the grounds on which action was taken by them?

The Honourable Sir Alexander Muddiman: I have not been able to trace any such paper, nor can I trace any orders for its interception.

SOUTH AFRICAN COLOUR BAR BILL.

446. ***Mr. Chaman Lall:** (a) Is it a fact that the Colour Bar Bill was considered by the South African Government on January 14th, 1926?

(b) If so, what action do the Government of India intend to take in the matter?

Mr. J. W. Bhore: (a) The Government of India understand that the Colour Bar Bill has passed its first reading in the Union House of Assembly and that the second reading was begun on January 27th. They have been informed by the Governor General of South Africa that the Bill is identical with the Mines and Works Act Amendment Bill rejected by the Senate last year.

(b) The matter is engaging the urgent attention of the Government of India.

THE LOCARNO TREATY.

447. ***Mr. Chaman Lal:** (a) Will Government state whether they have been approached with regard to India's assent to the Locarno Treaty as well as to the supplementary arbitration treaties?

(b) Is it a fact that India is not bound by any of the sanctions attaching to the Locarno Treaty?

(c) Do Government propose to consult the Central Legislature before embarking upon international obligations such as are attached to the Locarno Treaty?

THE LOCARNO TREATY.

448. ***Diwan Bahadur M. Ramachandra Rao:** With reference to the statement by Colonel Amery in the House of Commons and reported by Reuter's Agency on the 30th November last, have the Government any objection to place on the table the communication received by the Government of India about the Locarno Treaty? Will the Government be pleased to state to what extent and in what ways, financial or otherwise, the Government of India are committed to the maintenance of the Security Pact?

THE LOCARNO TREATY.

449. ***Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state:

- (1) if it is a fact that they have not been a signatory to the Locarno Pact, so far?
- (2) whether they intend to consult the Assembly before signing it?
- (3) if it is a fact that Article No 9 of the Locarno Treaty deals with the position of the Dominions and India?
- (4) if it is a fact that India was not represented at the Security Conference?

THE LOCARNO TREATY.

450. ***Kumar Ganganand Sinha:** Will the Government be pleased to state whether or not they have received any communication from His Majesty's Government regarding the Locarno Pact?

THE LOCARNO TREATY.

451. ***Kumar Ganganand Sinha:** Have the Government bound themselves under any obligation imposed by the Locarno Pact? If they have what are those obligations?

THE LOCARNO TREATY.

452. *Kumar Ganganand Sinha: Will or will not the question of the ratification of the Locarno Pact be placed before the Indian Legislature? If the answer be in the negative, will the Government state the reasons?

THE LOCARNO SECURITY PACT.

548. *Raja Raghunandan Prasad Singh: Will the Government be pleased to say whether the Locarno Security Pact will be brought before the Legislative Assembly for discussion?

Sir Denys Bray: I beg permission to answer questions Nos. 447 to 452 and 548 together.

Like the Dominions, India was not directly represented at the Locarno Conference, and, like the Dominions, is expressly saved by Article 9 from any obligations under the Treaty of Mutual Guarantee initialled at Locarno and finally signed in London unless and until the Government expressly signifies her acceptance thereof. Like the Dominion Governments the Government of India have been apprised of the negotiations, and as stated by Sir Austen Chamberlain in the House of Commons on the 18th November, His Majesty's Government hope that the whole position may be discussed at the next Imperial Conference, regarding the date of which communications have been passing between His Majesty's Government and the Governments of the Dominions and India. Government do not purpose to consult the Assembly on the subject nor do I propose to lay the papers on the table.

Mr. Ohaman Lall: May I ask, Sir, why the Government do not intend to consult the Assembly in this matter?

Sir Denys Bray: I beg the Honourable Member will not press me on these matters of high policy. On the particular point he raises, I would refer him to the Legislative Rules.

Mr. R. K. Shanmukham Chetty: Does the Honourable Member know that, so far as the Dominions are concerned, the respective Governments in the Dominions consult their Legislatures before they give their assent to the Locarno Pact?

Sir Denys Bray: Did the Honourable Member ask me if I knew that as a fact?

Mr. R. K. Shanmukham Chetty: Yes, Sir.

Sir Denys Bray: What was the question?

Mr. R. K. Shanmukham Chetty: Is the Honourable Member aware that the Dominion Governments consult their respective Legislatures before those Governments give their assent to the Locarno Pact?

Sir Denys Bray: I am not so aware.

Mr. W. M. Joshi: May I ask, Sir, whether the rules prevent the discussion of such questions altogether or do they provide that the discussion shall take place with the consent of the Governor General?

Mr. President: It is a question for the Chair to decide whether the rules permit discussion or not.

Mr. W. M. Joshi: I am not discussing whether the question

Mr. President: Order, order.

Sir Purshotamdas Thakurdas: Will the Honourable Member tell us whether an official copy of the Pact is available to this House?

Sir Denys Bray: I cannot, I am afraid, say whether it is so available, but I shall have much pleasure in making it available.

Sir Purshotamdas Thakurdas: Do I take it that the Honourable Member will have a copy placed on the table of this House?

Sir Denys Bray: Willingly.

Sir Purshotamdas Thakurdas: Will the Honourable Member tell us what the liability of India financially is likely to be in case the Government of India are pleased to be party to the Pact, Sir?

Sir Denys Bray: That, Sir, is a very hypothetical question.

Sir Purshotamdas Thakurdas: Will the Honourable Member tell us the liability of India in case the Government accept the Pact?

Sir Denys Bray: I put it, Sir, that this question is in a highly hypothetical form.

Mr. A. Rangaswami Iyengar: May I ask, Sir, whether the Government have considered the question of the financial liability arising out of the acceptance of the Locarno Pact?

Sir Denys Bray: The Government have given the Locarno Pact, its implications, and its possible implications with regard to India, every conceivable consideration.

Mr. A. Rangaswami Iyengar: And the financial implications, I take it?

Sir Denys Bray: Naturally.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether what he said amounts to this, that the Government of India have not come to any conclusion with regard to the Locarno Pact pending a discussion on the subject before the Imperial Conference? Is that the position?

Sir Denys Bray: The position is that the matter is under very close examination.

Diwan Bahadur M. Ramachandra Rao: May I know, Sir, what the Honourable Member means by making a reference to the Imperial Conference and its proceedings in connection with the Locarno Pact? The Honourable Member in his answer referred to the proceedings of the Imperial Conference.

Sir Denys Bray: In my answer I said that His Majesty's Government hoped to discuss the whole question with the Dominions and India at the next Imperial Conference.

Diwan Bahadur M. Ramachandra Rao: May I take it, Sir, that the Government of India have not come to any conclusion in regard to this matter?

Sir Denys Bray: That is so.

Sir Purshotamdas Thakurdas: Are the Government of India going to await the deliberations of the Imperial Conference before they come to a decision in this matter?

Sir Denys Bray: They will certainly come to a provisional decision before the Imperial Conference.

Sir Purshotamdas Thakurdas: May I take it, Sir, that the provisional decision that the Government of India may come to will not be communicated officially to the parties concerned as far as the consent or otherwise of the Government of India is concerned?

Sir Denys Bray: Who are the parties, if I may ask?

Sir Purshotamdas Thakurdas: Great Britain, I take it.

Sir Denys Bray: I submit, Sir, that I have given a very full answer on a matter of high policy, and I would be very glad if the House would not press me any further.

Sir Purshotamdas Thakurdas: The very full answer which my Honourable friend thinks he has given does not at all meet the question I have put. I am most reluctant to raise any question which will put the Government of India in a difficult position, but I hope the Honourable Member will realise the anxiety of this House to know exactly what India may be liable to, especially in view of the fact that the Honourable Member has said that the Government of India do not propose to consult the Assembly before coming to the final decision. I submit, Sir, that the Assembly is entitled to a fuller answer.

Mr. President: The Honourable Member must put a question.

Sir Purshotamdas Thakurdas: I submit, Sir, that the Honourable Member should give a direct reply to my last question which is only. . . .

Mr. President: What is the question?

Sir Purshotamdas Thakurdas: The question is, do the Government of India propose to await the decision of the Premiers' Conference in London before they come to a decision which would be officially communicated to Great Britain as far as the Locarno Pact and India are concerned?

Sir Denys Bray: I submit, Sir, that is also very highly hypothetical in form.

Diwan Bahadur M. Ramachandra Rao: May I know, Sir, whether the Government of India would not like to have the benefit of the views of this Assembly in coming to a provisional conclusion?

Mr. Chaman Lal: Is the Honourable Member aware that the obligations under the Locarno Treaty are of very grave import and that it is therefore necessary to consult the representatives of the people before the Government of India come to a definite decision in this matter?

Mr. President: One by one.

Sir Denys Bray: The answer to the first part of the question, as far as I remember it, is in the affirmative. The answer to the second part is that it is a matter of opinion.

Mr. Ohaman Lall: May I ask the Honourable Member if he is aware of the fact that the Locarno Treaty has been considered by very many people to be a Treaty meant for the purpose of defeating Russia and for drawing a cordon round Russia?

Mr. President: That question comes within the mischief of rule 8 (1).

Mr. Ohaman Lall: May I ask the Honourable Member once again whether he is aware that the grave obligations which would be put upon India as a result of this Treaty being ratified or of India becoming a party to this Treaty is a matter which is primarily the concern of this Assembly and of the people of India, and that, therefore, the Government ought to make it a point to consult the representatives of the people in this Assembly before they come to a decision?

Mr. A. Rangaswami Iyengar: May I know, Sir, if the Government of India have at all considered the advisability and the propriety of consulting this House on a matter of high State policy, and, if so, whether they have arrived at any definite decision on this matter?

Sir Denys Bray: I understand that a Resolution was tabled and it was found to lie within the mischief of the Rules.

Mr. President: The Honourable Member wants to know whether the Government of India are prepared to consult the Assembly?

Mr. A. Rangaswami Iyengar: I want to know whether the Government of India have at all considered the advisability and the propriety of consulting this Assembly?

Sir Denys Bray: It has, and the answer is in the negative.

Sir Purshotamdas Thakurdas: May I ask, Sir, whether the Honourable Member will make a copy of the Pact available to the House in the course of the day?

Sir Denys Bray: I understand, Sir, that a copy is in the Library, and if it is not already there, I will have one put there.

Sir Purshotamdas Thakurdas: In the course of to-day?

Sir Denys Bray: Yes.

RAILWAY FREIGHTS ON PIECE-GOODS FROM BOMBAY TO CALCUTTA AND SHOLAPUR TO CALCUTTA.

458 ***Mr. Kumar Sankar Ray:** (a) What is the railway freight on piece-goods from Bombay to Calcutta and from Sholapur to Calcutta respectively?

(b) If there is any difference in the two rates what are the causes of such difference?

Mr. G. G. Sim: (a) The rate from Bombay to Calcutta is Rs. 1/8/0 per maund and that from Sholapur Rs. 4/8/0 per maund.

(b) The Bombay rate was reduced in December, 1924, owing to the competition of the sea route, which factor does not operate in the case of Sholapur. It is understood that the Railway will shortly notify a rate from Sholapur to Calcutta equal to the rebooking rate *via* Bombay.

RAILWAY FREIGHTS ON RICE.

454. ***Mr. Kumar Sankar Ray:** What are the railway freight rates per mile towards the sea-coast and towards the interior, respectively, for the export of rice from Cuttack and Balasore?

Mr. G. G. Sim: The Honourable Member is referred to the Goods Tariff of the Bengal Nagpur Railway. I may mention however that it appears from the Goods Tariff that the same rate applies to consignments booked from Cuttack and Balasore in either direction.

REPRESENTATION TO THE GOVERNOR GENERAL IN COUNCIL, SOUTH AFRICA RE THE FIFTH ORDINANCE OF 1925.

455. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state why no representation was made in time so as to reach the Governor General in Council of South Africa before sanction was given to the Fifth Ordinance of 1925?

Mr. J. W. Shore: By the Fifth Ordinance of 1925 the Honourable Member presumably means the Natal Township Franchise Ordinance. The Government of India did not receive information about this Ordinance till after assent to it had been accorded by the Governor General of South Africa.

ESTABLISHMENT OF A BRANCH OF THE DEPARTMENT OF EPIGRAPHY IN INDIA AT BOMBAY.

456. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state if they have received any representation from the Karnatak Sahitya Parishad for establishing a branch of the Department of Epigraphy in India at Bombay to collect and publish scientifically ancient manuscripts and inscriptions in Karnatak?

Mr. J. W. Shore: The answer is in the affirmative.

CURTAILMENT OF THE POWERS OF THE CALCUTTA HIGH COURT IN RESPECT OF JUDICIAL APPOINTMENTS.

457. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state if the Government of Bengal has passed any order relating to the curtailment of, or interference with the powers of, the Calcutta High Court in respect of judicial appointments? If so, what is the order and what steps do the Government propose to take about it?

The Honourable Sir Alexander Muddiman: The Government of India have no knowledge of any such order having been passed by the Government of Bengal.

DELIVERY OF REGISTERED AND INSURED LETTERS IN CALCUTTA.

458. ***Mr. Kumar Sankar Ray**: Will the Government be pleased to state whether a system of morning or evening delivery of registered and insured letters has been introduced in Simla and Delhi? If so, why has not such a system or a system of delivering such letters from 9 o'clock to 3 o'clock been introduced in cities like Calcutta, especially in the residential quarters thereof?

Mr. G. P. Roy: The hours fixed for delivery are necessarily dependent upon the prescribed times of receipt of mails, and it is quite impracticable to apply uniform hours of delivery to all the larger cities in India.

The hours of delivery of registered and insured letters at Simla and Delhi are:

Simla General Post Office	<div style="display: inline-block; vertical-align: middle;"> <div style="display: inline-block; vertical-align: middle;">8-30 A.M.</div> <div style="display: inline-block; vertical-align: middle;">9-30 A.M., and</div> <div style="display: inline-block; vertical-align: middle;">2-30 P.M.</div> </div>
Delhi General Post Office	11- 0 A.M.
Raisina Post Office (Delhi)	1- 0 P.M.

Government do not consider any change in the hours of delivery of registered and insured letters in Calcutta to be called for.

CONTRIBUTIONS MADE BY INDIAN STATES TO THE LEAGUE OF NATIONS.

459. ***Mr. Gaya Prasad Singh**: (a) With reference to my starred question No. 244 of the 31st August, 1925, regarding the selection of India's representatives to the League of Nations, will the Government be pleased to say what is the amount of contribution made by the Indian States to the League of Nations?

(b) What is the total amount of contribution made by India (excluding Indian States) to the League of Nations up to date?

CONTRIBUTIONS MADE BY INDIAN STATES TO THE LEAGUE OF NATIONS.

460. ***Khan Bahadur Sarfaraz Hussain Khan**: With reference to Government reply to the last supplementary question to starred question No. 244 asked in the meeting of the Legislative Assembly held on 31st August, 1925, regarding Indian representatives at the September Session of the League of Nations, will Government please state whether any of the Indian States bear any portion of the contribution to the League of Nations?

Mr. L. Graham: With your permission, Sir, I should like to answer questions Nos. 459 and 460 together.

(a) No contribution is made by the Indian States to the expenses of the League of Nations.

(b) India's contribution for the years 1920 to date is \$315,799.

.. **Mr. B. K. Shanmukham Chetty**: Sir, are the Ruling Princes, who are from time to time chosen as delegates to the League of Nations, sent as the representatives of the Government of India or as representing the Native States?

Mr. L. Graham: All the delegates represent India.

Mr. B. K. Shanmukham Chetty: Do they represent the Government of India, Sir? That is what I wanted to know.

Mr. L. Graham: The answer which I gave is that all the delegates represent India.

Mr. K. Ahmed: Will the Honourable Member be pleased to state if Indians will not be able to send their representatives, and, if their representatives here are not allowed to elect the delegates who go to the League of Nations, why should India pay the cost? Will the Honourable Member enlighten the House on this matter?

Mr. L. Graham: I submit, Sir, that that question does not arise out of this question.

Mr. K. Ahmed: In view of the fact that they take so much money from Indian revenues and the Indian tax-payers, do the Government of India propose to send delegates chosen by the representatives of the people instead of sending their own nominees who have nothing to do with the Indian people?

Mr. President: This question does not arise out of the original question.

CONSTRUCTION OF AN OVERBRIDGE IN PLACE OF THE LEVEL CROSSING NEAR THE AMBALA CITY RAILWAY STATION.

461. ***Lala Duni Ohand:** 1. (a) Is it true that owing to the proximity of the town of Ambala to the level crossing near the Ambala City railway station, in the direction of Ambala Cantonment and the courts being situated on the other side of the railway crossing an unusually large number of persons, conveyances, etc., pass through it?

(b) Is it also a fact that owing to the running of 16 passenger trains and a large number of goods trains the gate at the said railway crossing remains closed for long intervals and that the traffic is closed for a considerable time?

(c) Is it also true that at times accidents have taken place near the said level crossing on account of the pressure of the traffic?

2. (a) Are the Government prepared to order the construction of an overbridge in place of this level crossing?

(b) Is it true that several years ago Mr. King, Deputy Commissioner, Ambala, had moved the railway authorities to construct an overbridge in place of the said level crossing?

The Honourable Sir Charles Innes: 1. (a) Yes.

(b) The gates are worked under special arrangements and the railway authorities endeavour to make the interruption to road traffic as infrequent and as brief as is compatible with safety.

(c) The Government are not aware of any accidents that have occurred at this level crossing.

2. (a) No. The Government of India have not knowledge of the local conditions. I suggest that the question is one which can appropriately be brought up to the Agent of the Railway through his Advisory Committee.

(b) The Government have no information on this point.

**TREATMENT ACCORDED TO THE HINDUS OF SIND IN THE MATTER OF
APPOINTMENTS IN THE PUBLIC SERVICES.**

462. ***Mr. Harchandrai Vishindas:** (a) Has the attention of the Government of India been drawn to the leading article entitled "Justice and its Price" in the *Hindustan Times* (Delhi) of the 19th December, 1925, and the editorial note entitled "a strange argument" in the *Indian Daily Mail* (Bombay) of the same date?

(b) If so will Government be pleased to state whether the policy referred to therein of giving preference in appointments to public services to the community whose representatives in the Legislative Council voted with Government and penalizing the community whose Members voted against Government is confined to the Government of Bombay only, or is it common to all the Governments in the country?

The Honourable Sir Alexander Muddiman: (a) The answer is in the affirmative.

(b) I am unable to draw the inference which has apparently been drawn by the Honourable Member from the documents referred to, which indeed appear to me to be clearly opposed to it.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the Government of India have pursued to any extent the policy referred to in this question?

The Honourable Sir Alexander Muddiman: I should like notice of that, Sir.

Mr. N. M. Joshi: May I know, Sir, if the Government of India have considered whether it will come under the Corrupt Practices Bill, which they have now before the House, to say that a community will be penalised for the particular manner in which certain Members voted in the Legislative Assembly?

The Honourable Sir Alexander Muddiman: That seems to me a speech which the Honourable Member may make on the Corrupt Practices Bill.

**TREATMENT ACCORDED TO THE HINDUS OF SIND IN THE MATTER OF
APPOINTMENTS IN THE PUBLIC SERVICES AND THE GRANT OF
CULTURABLE LANDS.**

463. ***Mr. Harchandrai Vishindas:** Has the attention of Government been drawn to the address of the Sindhi Hindu Association to His Excellency the Governor of Bombay presented on the 17th December, 1925, complaining of the grave injustice of the treatment accorded to the Hindus of Sind in the matter of appointments in the public services and the grant of cultivatable lands?

The Honourable Sir Alexander Muddiman: The answer is in the affirmative.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the Government of India will not consider the advisability of notifying the Provincial Governments that this policy of patting and treating with partiality particular communities is inconsistent with the pledges in the Proclamation of Queen Victoria?

The Honourable Sir Alexander Muddiman: I do not think that that arises out of this question. I was asked a question with reference to the address to the Governor of Bombay.

Mr. A. Rangaswami Iyengar: Attention has been invited to the fact that in that address the Governor of Bombay stated that in the matter of appointments patronage was extended to Muhammadans because they supported Government in the Legislative Council. May I know, Sir, whether the Government of India endorse that principle, and if so, whether they would say why it is so, and if not, whether they would notify the Provincial Governments not to pursue that principle?

The Honourable Sir Alexander Muddiman: I have not really understood the Honourable Member's question. The policy of the Government of India as regards appointments has frequently been laid down.

Mr. A. Rangaswami Iyengar: I am asking, Sir, whether there is any policy that has been laid down by the Government of India that in regard to patronage in respect of appointments, certain communities are to be favoured because they support the Government in the Legislative Council? I am asking whether any such policy has been laid down by the Government of India?

The Honourable Sir Alexander Muddiman: Certainly not, Sir. I think the debates of this House will show that if it had been it was remarkably unsuccessful.

Mr. A. Rangaswami Iyengar: In view of this answer, will the Honourable Member be pleased to notify all Provincial Governments that that policy is opposed to the policy of the Government of India?

The Honourable Sir Alexander Muddiman: I am not prepared to interfere with the discretion of the Provincial Governments with regard to their own appointments in so far as those appointments are in the discretion of the Local Governments. I am certainly not prepared, nor do I admit, from reading the papers that I have been referred to, that the Bombay Government have laid down any such policy.

Maulvi Abul Kasem: May I ask the Honourable Member if it is not a fact that, for whatever reasons it may be, appointments to the public services have to a very large extent gone to that community which has opposed the Government? (Laughter.)

The Honourable Sir Alexander Muddiman: I believe it is so, Sir.

Mr. A. Rangaswami Iyengar: We live and learn.

EXPENDITURE INCURRED IN CONNECTION WITH THE VISITS OF HIS EXCELLENCY THE VICEROY TO CALCUTTA, ETC.

464. ***Kumar Ganganand Sinha:** Will the Government be pleased to state:

- (a) what amount was spent by the Government in connection with the visit of His Excellency the Governor General to Calcutta during the years 1921 to 1925 and from what budget heads the amount was paid;
- (b) what is the monthly average of amount payable by the Government towards His Excellency's establishment while he is in Calcutta and what is it while he is in Delhi and Simla; and
- (c) what is the average expenditure incurred on account of each meeting of the Executive Council held in Delhi and Simla, and what is the average expenditure incurred on account of such a meeting held in Calcutta?

The Honourable Sir Alexander Muddiman: I am endeavouring to collect such information as I can in regard to the points raised in the Honourable Member's question, and, when obtained, the information will be laid on the table of this House in due course.

**DEFECTIVE LIGHTING OF THE ROAD BETWEEN THE STEAMER GHAT
AND THE PLATFORM AT DIGA GHAT STATION ON THE EAST
INDIAN RAILWAY.**

465. *Khan Bahadur Sarfaraz Hussain Khan: (a) Are Government aware that light on the road between the steamer ghat and the platform where the Patna-Digha train stops at Diga Ghat Station, East Indian Railway (Diga Ghat Branch), is defective, and that there is no shed where passengers can take shelter during the rains?

(b) If the answer to (a) is in the affirmative, will Government please state if they are willing to issue necessary instructions to the railway authorities concerned to do the needful for the convenience and comfort of the passengers?

Mr. G. G. Sim: (a) and (b). The Honourable Member is referred to the reply given on the 18th September, 1924, to his question No. 2207, on the same subject. As promised therein the Government communicated the question to the Agent.

Mr. B. Das: Is it not another case of the Government of Bihar and Orissa being slighted by the Railways?

Mr. G. G. Sim: No, Sir.

Mr. Gaya Prasad Singh: Are Government aware that, since the reply was given by the Honourable Member, no improvement has been made with regard to the complaint which formed the subject-matter of the question?

Mr. G. G. Sim: The Government, Sir, have already informed the Honourable Member that they have no information whatsoever on the subject. It is a matter entirely for the Agent to settle with the Local Advisory Committee.

Khan Bahadur Sarfaraz Hussain Khan: Will Government get the information? .

Mr. G. G. Sim: No, Sir.

Mr. Gaya Prasad Singh: May I know, Sir, why the Government do not obtain information on this point?

PROHIBITION OF THE EXPORT OF BIRDS' FEATHERS.

466. *Mr. B. Das: (a) Will Government be pleased to state why they have placed feathers on the contraband list?

(b) Is it not a fact that there are large farms of cranes and other plumage birds in India?

(c) Do Government derive any revenue from plumage exported?

The Honourable Sir Charles Innes: (a) The object of the prohibition was to protect wild birds from extermination, of which there was considerable danger owing to their indiscriminate slaughter by persons interested in the sale and exportation of birds' skins and feathers.

(b) The Government understand that there are some egret farms in India.

(c) No.

APPOINTMENT OF MR. KENNEDY NORTH AS DESIGNER AND DECORATIVE ARTIST FOR THE GOVERNMENT BUILDINGS AT RAISINA.

467. ***Maulvi Muhammad Yakub:** Are the Government aware that the appointment of Mr. North is inconsistent with the answers given during the last Session of the Assembly in reply to the starred questions Nos. 876, to 881 and 959 to 963 by Messrs. N. M. Joshi and B. Das?

The Honourable Sir Bhupendra Nath Mitra: I have nothing to add to the terms of my reply to question No. 234 by Lala Piyare Lal given on the 26th January, 1926.

Mr. K. Ahmed: Do Government propose to dispense with the services of Mr. North so as to bring peace and tranquillity into this House, inasmuch as there is no chance of the Honourable Member getting his Budget successfully passed by this House for his salary?

ENCOURAGEMENT OF THE MANUFACTURE OF RAILWAY APPLIANCES IN INDIA.

468. ***Mr. B. Das:** (a) Have Government taken any steps to encourage the manufacture of railway appliances in India?

(b) Is it a fact that only a fractional part of railway materials (besides rails) are manufactured in India?

(c) Have Government any definite policy to encourage the manufacture of railway materials in India?

The Honourable Sir Charles Innes: (a) and (c). Yes. The attention of the Honourable Member is invited to the introduction to the "Rules for the supply of articles for the public services."

(b) No. The Honourable Member is referred to Appendix A of Volume II of the Annual Report by the Railway Board on Indian Railways for the year 1924-25 which shows the value of stores of Indian manufacture and of imported stores purchased by Railways during the year.

MANUFACTURE OF RAILWAY APPLIANCES IN RAILWAY WORKSHOPS.

469. ***Mr. B. Das:** (a) With reference to the Government communiqué of the 30th November, 1925, regarding the appointment of the Raven Committee, will Government be pleased to state whether State-managed railway workshops manufacture parts or the whole of railway rolling-stock and appliances?

(b) Do Government propose to instruct this Committee to investigate the possibilities of the manufacture of railway appliances in such workshops?

The Honourable Sir Charles Innes: (a) The State-managed railway workshops do manufacture some parts of railway rolling stock but do not at present manufacture complete vehicles.

(b) The Honourable Member is referred to the terms of reference which are quoted in the communiqué referred to.

MANUFACTURE OF RAILWAY ROLLING STOCK IN THE WORKSHOPS OF STATE RAILWAYS.

470. ***Mr. B. Das:** (a) Will Government be pleased to state whether the workshop of a particular State Railway manufactures its own requirements or caters for other State Railways for a certain article in which it specialises?

(b) Have the Railway Board thought it advisable to concentrate on the manufacture of certain spare parts in the workshop of one State Railway which will supply such specialised product to all the State Railways?

(c) What are the present views of the Railway Board on the standardisation of workshop products? Do they wish each Railway to have its completely equipped workshop or do they desire specialisation of certain standard parts in each railway workshop treating all the State Railway workshops as one unit?

(d) Will not specialisation and standardisation of manufacture of spare parts as indicated above lead to the eventual manufacture of railway appliances in Indian railway workshops?

The Honourable Sir Charles Innes: (a) It is the usual practice for workshops of State Railways to manufacture certain of their requirements. It has not been the general procedure hitherto for one railway to manufacture articles for another, though in special cases this is done when the railway requiring the item does not possess the necessary plant to manufacture it.

(b), (c) and (d). These matters are under investigation by a Committee recently appointed by the Railway Board.

Mr. B. Das: In view of the fact that the engineering workshops in India managed by private people are not properly developed, will Government consider the question whether the policy of the railway workshops should not be directed to manufacturing railway appliances?

The Honourable Sir Charles Innes: That, Sir, is a very large question of policy which I should prefer not to answer within the limits of a reply to a question. The Honourable Member must remember that there are a great many private workshops in India which depend on orders of this kind, and it might have very serious consequences for them if railway workshops extended their operations in the way he suggests.

SUBSTITUTION OF A PROVIDENT FUND IN PLACE OF PENSIONS FOR GOVERNMENT EMPLOYEES.

471. ***Khan Bahadur W. M. Hussanally:** (a) With reference to the debate in the Council of State reported at page 244 *et seq* of Volume IV of the Council of State debates and question No. 160 in the Council of State of 25th March, 1925, will the Government be pleased to state what progress has been made in the matter of substituting a Provident Fund in place of pension?

(b) Do Government propose to lay before the Assembly any scheme in that direction during the current Session? If not, when may it be expected?

The Honourable Sir Basil Blackett: The question is still under consideration in correspondence with the Secretary of State.

CONSUMPTION OF OPIUM IN ASSAM.

472. ***Lala Duni Chand:** (a) Has the attention of the Government been drawn to an article by the Rev. C. F. Andrews that appeared in "Young India" of the 24th December, 1925, under the heading. "The Assam Congress Opium Report"?

(b) Is it true that the excess of opium consumption in Assam ranges between 20 to 40 times the League of Nations' index figures for legitimate consumption?

(c) Is it also true that 50 per cent. of the opium used in Assam is smoked?

(d) Is it also true that the consumption of opium in Assam has only decreased in 45 years from 1,800 maunds to 1,700 maunds while the revenue in the same period has gone up from Rs. 12 lakhs to Rs. 44 lakhs? Do the Government accept the correctness of these figures? If not, will they give their own figures for the same period?

The Honourable Sir Basil Blackett: (a) Yes.

(b) According to latest official statistics the average consumption of opium in Assam is about 14 times the League of Nations' standard figure in Assam Valley Division and a little over the League's standard in Surma Valley. The consumption varies from district to district, the lowest being in Sylhet and Goalpara with $\frac{1}{4}$ th of the League's standard and the highest in Lakhimpur with about 28 times the League's standard. The average for the whole province is about 8 times the League's standard.

(c) This is a point on which accurate statistics are necessarily absent.

(d) I give the following figures of consumption and revenue:

		Consumption (in maunds).	Revenue. Rs.
1875-76	. . . . .	1,874	12,25,141
1924-25	. . . . .	928	39,45,735

The population of Assam has very nearly doubled during this period.

DISCHARGE OF MR. S. S. REUBEN, HEAD TRAIN EXAMINER, NORTH WESTERN RAILWAY, AT AMBALA.

473. ***Lala Duni Chand:** (a) Is it true that Mr. S. S. Reuben, Head Train Examiner, North Western Railway at Ambala, drawing a salary of Rs. 275 a month was discharged from service on the 23rd March, 1925, after he had served as Train Examiner and Head Train Examiner for nearly 12 years, and if so, will the Government be pleased to state the reasons for the order of discharge passed against him?

The Honourable Sir Basil Blackett: (a) (i) Since January, 1925, 25 vacancies have been filled.

(ii) In the case of men recruited from other Accounts Offices the salary was fixed according to the Fundamental Rules. In the case of the outsiders, they were started on the minimum, which is Rs. 50, *plus* a special pay of Rs. 60.

(iii) The several provinces are represented as follows:

Bengal	.	.	.	.	.	.	.	.	.	14
Punjab	.	.	.	.	.	.	.	.	.	8
Madras	.	.	.	.	.	.	.	.	.	2
Rajputana	.	.	.	.	.	.	.	.	.	1
										<hr/> 25 <hr/>

(b) Most of the appointments are filled by obtaining trained men from other Accounts Offices, and when outsiders are taken special importance is attached to their educational qualifications and previous knowledge or experience in accounts work and the best men available are selected. No special rules have been laid down.

EXPENDITURE ON THE TOURS OF THE AUDIT OFFICER, INDIAN STORES DEPARTMENT.

476. ***Mr. K. Venkataramana Reddi:** (a) Will Government be pleased to state:

(1) how many times the Audit Officer, Indian Stores Department, went on tour during the last two years and

(2) the places visited, the time he stayed in each place and the nature of business transacted by the said officer in the several places during such time?

(b) What is the total expenditure incurred in connection with his tour for the last two years? To what head of the Indian Revenues is such expenditure debited?

The Honourable Sir Basil Blackett: (a) There was no whole-time Audit Officer for the Indian Stores Department during the period, and the supervision of the accounts work of that Department was entrusted to an officer employed under and paid by His Majesty's Imperial Government in connection with the disposal of surplus war stores in India. This was done with the approval of His Majesty's Imperial Government on the understanding that the work performed for the latter would not be hampered by the arrangement. As Auditor of the Indian Stores Department this officer went out on tour on four occasions during the period 1923-24 and 1924-25, visited Calcutta, Jamshedpur, Sambhar and Khewra and spent 3, 2, 4 and 3 days, respectively, at those places. The object of these visits was to inspect the accounts of the local organisations of the Indian Stores Department and the Northern India Salt Revenue Department. It is also one of his duties to supervise the work of his local auditors employed at various places.

(b) The total expenditure incurred in connection with his tours was Rs. 1,425-7-0. Such expenditure is debitable to the head "23—Audit".

REFUSAL OF A FULL HOLIDAY TO THE PUNJABI AND MADRASSI ASSISTANTS IN THE AUDIT OFFICE, INDIAN STORES DEPARTMENT, ON THE SOLONA FESTIVAL.

477. ***Mr. K. Venkataramana Reddi:** (a) Are Government aware that the Solona Festival which fell on the 4th August is one which is availed of by Government servants as a communal holiday?

(b) Is it a fact that some of the Punjabis and Madrasis employed in the Audit Office, Indian Stores Department, applied to avail themselves of this communal holiday?

(c) Is it a fact that the Audit Officer, Indian Stores Department, on such application referred to in part (b) passed an order to some such effect as the following?

"It is one of the conditions of service in this office that the assistants have to work on all holidays and Sundays except on very rare occasions when the nature of the work permits the office being closed—I have no objection to grant the holiday but shall remember this difficulty when the question of confirmation of the assistants concerned in this office is taken up."

(d) Do Government endorse the rule referred to above and will Government be pleased to state whether the taking of a communal holiday is a criterion which is taken into consideration when the confirmation of appointments is taken up?

(e) If the answer to (c) is in the affirmative, will Government be pleased to state whether it applies to all departments of the Government of India or whether it has a bearing on the particular department in question?

The Honourable Sir Basil Blackett: (a), (b) and (c) The work performed in this office is of a peculiar nature and does not ordinarily admit of delay. The 4th of August, 1925, happened to be a busy day and when therefore the whole staff of the Punjabi and Madrassi assistants wanted a full holiday the Audit Officer could not see his way to grant the request. He allowed them, however, to attend office two hours late, on the understanding that this concession met the requirements of the situation. The grant of local or other holidays is always subject to arrangements being made for the disposal of urgent work.

(d) The Audit Officer did not lay down any rule. The confirmation of temporary clerks is a matter entirely for the head of the office and he has to decide each case on its merits. Readiness on the part of a candidate to prefer the interests of Government to his own is a factor which is naturally taken into account in considering the question of his confirmation.

(e) This question does not arise.

PAUCITY OF ANDHRA REPRESENTATION IN THE VARIOUS DEPARTMENTS OF THE GOVERNMENT OF INDIA.

478. ***Mr. K. Venkataramana Reddi:** (a) Will Government be pleased to lay on the table a statement showing the number of Andhras employed in each of the various departments of the Government of India and the positions occupied by each of them with their present salaries?

(b) Are Government aware that there is a paucity of Andhra representation in the various departments of the Government of India and will Government be pleased to account for this?

(c) Are Government aware that there is not even one Andhra in the Imperial Secretariat Service?

(d) Will Government be pleased to state what steps have been taken to give adequate representation to Andhras in the various departments under the control of the Government of India, and what steps they propose to take in future in this respect?

The Honourable Sir Alexander Muddiman: (a) to (c) I am afraid I have no information in the matter, and I should not be justified in ordering it to be collected.

(d) I am not prepared to take any special steps. The examination for entrance into the Government of India Secretariat is open to all who are eligible to sit for it.

PROHIBITION OF THE MANUFACTURE OF FINE YARN IN INDIAN MILLS.

479. ***Mr. K. Venkataramana Reddi:** (a) Will Government be pleased to state whether it is a fact that manufacture by Indian mills of finer yarn than 60 counts is prohibited? Does such prohibition apply to the import of the requisite machinery to manufacture finer yarn?

(b) Are there any rules, regulations, or orders which by implication make such manufacture of finer yarn or import of requisite machinery, prohibitory? If so, will Government be pleased to lay a copy of such rules, etc., on the table of the House?

The Honourable Sir Charles Innes: The answers to both parts of the question are in the negative.

INQUIRY INTO THE DEATH AS THE RESULT OF AN OPERATION OF MISS BHOJIBAI T. SIPAHIMALANI, A STUDENT OF THE LADY HARDINGE MEDICAL COLLEGE.

480. ***Mr. Harchandrai Vishindas:** 1. Has the attention of the Government been drawn to the complaints which appeared in several Indian newspapers and among others in the *Notes of the day* of the *Bombay Chronicle* of the 24th December last, the *Hindu*, a vernacular daily of Hyderabad, Sind, of 7th January, 1926, in relation to the death of Miss Bhojibai T. Sipahimalani, a senior student of the Lady Hardinge Medical College, as the result of an operation performed on her at the College Hospital on the 8th August last?

2. If so, have Government noticed that the said death is on all hands attributed to the lack of proper care and watchfulness on the part of the operators?

3. If so, have Government held any inquiry to ascertain the accuracy of the complaints made?

4. If so, have Government been able to find out who the guilty party is?

5. If so, has such guilty party been awarded due punishment?

6. Is it a fact that owing to this unfortunate occurrence the College has greatly suffered in reputation and the confidence of the public in it has been impaired?

7. Do Government propose to take action to prevent such mishaps in the future?

Mr. J. W. Bhore: 1 and 2. Government can find no reference to the subject mentioned in the *Bombay Chronicle*, dated the 24th December, and have not seen the *Hindu*, dated the 7th January. They have however seen letters on the subject in other newspapers.

3 to 5. The attention of the Honourable Member is invited to the reply given by me to Mr. Chaman Lal's question No. 109.

6. Government believe that this is not the case.

7. Government consider that the Governing Body of the College can be trusted to take proper precautions.

Mr. Harchandrai Vishindas: Is it not a fact that if Dr. Campbell had been more watchful than she was, she would have noticed the swab which was the cause of the death.

Mr. J. W. Bhore: I must ask for notice of that, but I do not think that is the case at all, Sir.

Mr. Harchandrai Vishindas: Are the Government aware that such was the neglect actually attributed to Dr. Campbell in the newspapers?

Mr. J. W. Bhore: My Honourable friend must know that Dr. Campbell was the operating surgeon at the time and there was a separate anaesthetist. It is not the duty of the operating surgeon to attend to the condition of the patient under the anaesthetic. That is the anaesthetist's duty.

NUMBER OF INCOME-TAX ASSESSEES IN SIND, ETC.

481. ***Mr. Harchandrai Vishindas:** I. Will Government be pleased to state for the years 1924 and 1925:

(a) what was the number of income-tax assesseees in each district in Sind:

(b) how many assesseees were Muhammadans and how many non-Muhammadans: and

(c) how much income-tax was paid by Muhammadans and how much by non-Muhammadans?

II. What was the net income-tax income of each district in Sind during the year ending 31st March, 1925, and what was the expenditure?

The Honourable Sir Basil Blackett: I (a) and II. A statement is laid on the table.

I (b) and (c) The Government have not the information asked for.

Statement showing the number of assesses, collections of income-tax and super-tax and expenditure in Sind during the year 1924-25.

Name of District.	Number of assesses.	COLLECTIONS.		Expenditure.
		Income-tax.	Super-tax.	
		Rs.	Rs.	Rs.
Karachi District	3,149	9,89,267	31,837	} 94,047
Thar and Parkar District	575	47,437	...	
Hyderabad District	952	1,82,892	17,203	22,498
Larkana District	506	40,598	...	14,128
Nawabshah District	390	87,078	...	} 36,016
Sukkur and Rohri Tks. of the Sukkur District	480	56,917	...	
Sukkur District excluding Sukkur and Rohri Talukas and Upper Sind Frontier District	769	61,087	...	
Total	6,821	14,15,276	49,040	1,66,689

INCOME-TAX OFFICERS IN SIND.

482. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state if their attention has been drawn to the fact that the district of Thar and Parkar and the mofussil district of Karachi are in charge of the same Income-tax Officer?

(b) Will Government be pleased to state the area of the Thar and Parkar District and the area of the Karachi District as well as the area of all other districts in Sind separately?

The Honourable Sir Basil Blackett: (a) No.

(b) I would refer the Honourable Member to the Gazetteer.

INCOME-TAX OFFICERS IN SIND.

483. ***Mr. Harchandrai Vishindas:** Will Government be pleased to state why it has been considered necessary to have two Income-tax Officers in the district of Sukkur, one with headquarters at Sukkur and the other at Shikarpur?

The Honourable Sir Basil Blackett: The question of posting one or more Income-tax Officers in a district depends on the volume of work and has been left to the discretion of the Commissioner of Income-tax who is the responsible Head of the Department.

APPOINTMENT OF A THIRD INCOME-TAX OFFICER FOR THE TOWN OF KARACHI.

484. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state if they have received a representation from Mr. R. K. Sidhwa of Karachi that a third Income-tax Officer is necessary for the Karachi Town on account of the quantity of work?

(b) Do Government make the amount of assessments the basis for determining the number of Income-tax Officers to be appointed in any place?

The Honourable Sir Basil Blackett: (a) No.

(b) The number of Income-tax Officers is fixed with reference to the volume of work to be dealt with as indicated by the number of assessments to be made, due consideration being also paid to local conditions.

CONSTITUTION OF MUNICIPALITIES IN INDIA AND BURMA.

485. ***Dr. K. G. Lohokare:** Will Government be pleased to state:

- (a) the number of towns having a population of 5,000 and over, not having yet got a municipality, in the various provinces, including Burma:
- (b) the number of municipalities, if any, in the various provinces, including Burma, which have not yet got an elected majority:
- (c) the municipalities, in the various provinces, including Burma, which have not yet got the right to elect their Vice-President:
- (d) the number of municipalities, in the various provinces, including Burma, which have not yet got the right to elect their President: and
- (e) the number of municipalities, in the various provinces, including Burma, which though having a right to elect their President, have elected an official for this post?

CONSTITUTION OF NOTIFIED AREA COMMITTEES, SANITARY COMMITTEES, VILLAGE AUTHORITIES AND VILLAGE PUNCHAYATS IN INDIA AND BURMA.

486. ***Dr. K. G. Lohokare:** Will Government be pleased to state:

- (a) the number of notified area committees in the various provinces, including Burma:
- (b) the number of sanitary committees in the various provinces, including Burma:
- (c) the number of village authorities of any other nature not being Village Punchayats in the various provinces, including Burma:
- (d) the number of Village Punchayats, if any, in the various provinces, including Burma, that have not yet been put on an elective basis:
- (e) the number of Village Punchayats, if any, in the various provinces, including Burma, which have not yet got an elective majority:
- (f) the number of Village Punchayats, if any, in the various provinces, including Burma, which have not yet got the right to elect their President (*Sarpanch*): and
- (g) the number of Village Punchayats, if any, in the various provinces, including Burma, which though having a right to elect their President, have elected an official for this post?

CONSTITUTION OF TALUKA LOCAL BOARDS IN INDIA AND BURMA.

487. *Dr. K. G. Lohokare: Will Government be pleased to state:—

- (a) the Talukas in the various provinces, including Burma, which have not yet got a separate Taluka local board:
- (b) the Taluka local boards, if any, in the various provinces, including Burma, which have not yet been put on an elective basis:
- (c) the Taluka local boards, if any, in the various provinces, including Burma, which have not yet got an elected majority:
- (d) the Taluka local boards in the various provinces, including Burma, which have not yet got the right to elect their Vice-President:
- (e) the Taluka local boards in the various provinces, including Burma, which have not yet got the right to elect their President: and
- (f) The Taluka local boards, if any, which though having a right to elect their President, have elected an official to this post?

CONSTITUTION OF DISTRICT LOCAL BOARDS IN INDIA AND BURMA.

488. *Dr. K. G. Lohokare: Will Government be pleased to state:

- (a) the names of districts, if any, in India or Burma, which have not got a District Local Board so far:
- (b) the districts, if any, in India or Burma, where the local authority is not yet put on an elective basis:
- (c) the district local boards, in India and Burma, which have not got an elective majority:
- (d) the district local boards, in India and Burma, which have not got the right to elect their Vice-Presidents:
- (e) the district local boards, in India and Burma, which have not the right to elect their President: and
- (f) the district local boards, if any, which though having a right to elect their President, have elected officials for this post?

Mr. J. W. Shore: The questions relate to a subject which is provincial and transferred. Statements embodying such information on the subject as is available in the Government of India are placed in the Library.

CONSTITUTION OF THE CIVIL MEDICAL SERVICES.

489. *Dr. K. G. Lohokare: Will Government be pleased to say:

- (a) what items referred to in starred questions Nos. 459, 460, 461, 462 and 464 (Assembly Debates Report, Vol. VI, No. 5) have by now been decided upon:
- (b) what the recommendations of Government are to the Secretary of State in respect of the items covered by these questions:
- (c) if they had consulted Local Governments on the points involved. (If so, will a summary of replies from the Local Governments be placed on the table?): and
- (d) if they are prepared to consult the Legislature before final orders are passed on the question?

Mr. J. W. Bhore: (a) No decision has yet been arrived at.

(b) and (c) The matter being still under discussion, the Government of India are not prepared to furnish the information.

(d) The House has already had an opportunity of discussing the matter in connection with the Lee Commission's Report and the Government of India do not propose to consult it further.

Mr. K. G. Lohokare: Has the Honourable Member noticed an article in the *Hindustan Times* of the 24th January, on this subject?

Mr. J. W. Bhore: I do not know to what my Honourable friend refers. If he will produce a copy of the *Hindustan Times*, I shall be happy to give a reply.

Dr. K. G. Lohokare: I refer to a publication regarding the circular sent by the Government of India to Provincial Governments on this subject.

Mr. J. W. Bhore: I remember seeing some reference in the *Hindustan Times* but I am not prepared to say whether that is the publication to which my Honourable friend refers.

Dr. K. G. Lohokare: That is exactly what I refer to.

Mr. J. W. Bhore: If that is so, my attention has been drawn to it.

Dr. K. G. Lohokare: May I know if the contents of that publication are substantially correct?

Mr. J. W. Bhore: I am not prepared to disclose any information in regard to the subject matter of this question, and, if I told the Honourable Member whether the subject matter was true or not, I should be disclosing that information.

Mr. A. Rangaswami Iyengar: May I know if a circular has at all been sent to the Provincial Governments on this point?

Mr. J. W. Bhore: Yes, Sir, it has.

Mr. A. Rangaswami Iyengar: Will the Government be pleased to lay that circular on the table for the information of the Members?

Mr. J. W. Bhore: As I have already said, I am not prepared to disclose any further information at the present stage. We should have to consider that later.

Mr. A. Rangaswami Iyengar: May I know when it will be possible to let this House have the information so that it may express its views on it?

Mr. J. W. Bhore: We will be able to give the information as soon as a decision has been arrived at.

Mr. A. Rangaswami Iyengar: After you reach a decision or before you reach a decision?

Mr. J. W. Bhore: After we reach a decision.

Dr. K. G. Lohokare: Has the Honourable Member received representations from certain medical unions in this country?

Mr. J. W. Bhore: We have received representations from two such associations.

TRANSFER OF INDIAN OFFICERS OF THE INDIAN MEDICAL SERVICE TO THE CIVIL SIDE OF THAT SERVICE.

490. *Dr. K. G. Lohokare: Will Government be pleased to say:

- (a) how many Indian officers in the Indian Medical Service are till now waiting for a transfer to the civil medical side of the Indian Medical Service:
- (b) how many European officers junior to these Indian officers have been so transferred during the last five years:
- (c) if it is a fact that Indian officers with over 10 years' service are still waiting for a transfer to the civil medical side: and
- (d) what steps the Government are prepared to take in the matter, so as not to violate the rights of the Indian officers already in the Indian Medical Service?

Mr. E. Burdon: (a) 74 Indian officers, who have elected for transfer to the civil side of the Indian Medical Service, are still in military employment.

(b) 32 European officers, who are junior to one or more of the Indian officers mentioned above, have been transferred to civil employ during the last five years. These officers are junior also to other European officers still awaiting transfer to civil. They have been transferred to special posts for which they possessed special qualifications, *e g*, professorships, public health and research posts, employment under the Political Department and in Burma

(c) Yes.

(d) Government are not in a position to make any statement at present pending a final decision on the Lee Commission's recommendations in so far as they relate to the Indian Medical Service. I may mention however that 58 Indian officers have been transferred from military to civil employ in the last 5 years.

Dr. K. G. Lohokare: May I know if it is possible for Government to notify these specialised probable vacancies in the I. M. S. a year or two before?

Mr. E. Burdon: I should like to have notice of that question.

Dr. K. G. Lohokare: I should like to know whether the Honourable Member is prepared to accept the procedure of notifying the probable vacancies in specialised lines, so that the senior officers may not be put to inconvenience

Mr. E. Burdon: I have never considered that and I do not know whether it would be practicable.

DIFFICULTY OF DISTINGUISHING THE NAMES OF INDIANS AND NON-INDIANS IN THE CLASSIFIED LIST OF STATE RAILWAY ESTABLISHMENT, ETC.

491. *Dr. K. G. Lohokare: Are Government aware that considerable difficulty is experienced in distinguishing from the Classified List of State Railway Establishment and Distribution Return of Establishment of all Railways the names of non-Indians from the names of Indians bearing foreign names? If so, do Government propose to provide in the future issues of the publication some means of distinguishing the names of non-Indians from those of Indians?

Mr. G. G. Sim: Government are not aware of the particular difficulty to which the Honourable Member refers. They propose in future publications to denote officers in receipt of sterling overseas pay by the use of a suitable symbol against their names, which is all that is necessary for the purpose which this publication serves.

DELAY IN THE ISSUE OF THE RAILWAY ADMINISTRATION REPORT.

492. ***Dr. K. G. Lohokare:** Is it a fact that during the pre-war period the Railway Administration Report used to be published months earlier than now? If so, do Government propose to revert to the earlier date for the publication of the future issues of the Report?

Mr. G. G. Sim: The delay of two or three months in the issue of the Annual Reports by the Railway Board for the last two or three years as compared with the issues of Reports published before the War is mainly due to the large increase in the information supplied in these Reports, and to the arrangements under which the accounts of the Government of India, including the railway accounts, are not finally closed till about the end of September. It is hoped, however, to be able to arrange for an earlier issue of these Reports in future years.

STATEMENT SHOWING THE DETAIL OF CAPITAL OUTLAY ON STRATEGIC LINES.

493. ***Dr. K. G. Lohokare:** Will Government kindly lay on the table a comparative statement showing the non-commercial (strategic) lines covered by the capital expenditure of Rs. 23,74,27,847 to end of 1921-22 and the strategic lines covered by the capital at charge of Rs. 27,49,10,057 to end of 1925-26, as shown in Appendix I to the Explanatory Memoranda of the Railway Budgets for 1924-25 and 1925-26?

Mr. G. G. Sim: The statement required by the Honourable Member is laid on the table.

Statement showing the detail of capital outlay on strategic lines to end of 1921-22 and to end of 1925-26 as exhibited in Appendix I to the explanatory Memorandum of the Railway Budget for 1924-25 and 1925-26.

Name of strategic lines.	Outlay to end of 1921-22.	Outlay during 1922-23.	Outlay during 1923-24.	Revised Estimate, 1924-25.	Budget Estimate, 1925-26.	GRAND TOTAL.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Main Line (N-W. Rly)	19,64,48,979	11,08,659	8,51,349			
Kaur Khirgi . .	14,40,888	38,404	688			
Tank Murtaza . .	19,38,973	—1,01,783	—44,650	19,54,000	18,50,000	
Nushki Extension . .	3,09,16,846	3,91,996	10,00,078			
Frontier Railway Reserve . .	40,60,969	4,59,479	—13,881			
TOTAL .	23,74,27,847	18,86,075	17,88,634	19,54,000	18,50,000	24,49,10,056
Adjustment of outlay on rolling stock relating to strategic lines held at charge of commercial lines .	...	...	..	...	...	3,00,00,000
GRAND TOTAL .	...	...	...	...	...	27,49,10,056

SURPLUS LOCOMOTIVES ON RAILWAYS.

494. *Dr. K. G. Lohokare: With reference to the following statement occurring at page 8 of the Explanatory Memorandum of the Railway Budget for 1925-26:

“ So far as State Railways are concerned, requirements for additional locomotive stock for some railways are being met by the transfer of 62 locomotives from other railways, where it has been found by experience, with improved methods of working, that locomotives are in excess ”

will Government kindly state the names of the railways where locomotives are in excess and the extent of the excess on each of the railways referred to?

The Honourable Sir Charles Innes: The North Western Railway is the only Railway which has a surplus number of locomotives on the line. The number surplus at the end of the current year is approximately 133. This number will be still further reduced to 98 during 1926-27.

PROVISION OF ROLLING STOCK TO RELIEVE THE EXISTING CONGESTION ON RAILWAYS.

495. *Dr. K. G. Lohokare: Is it a fact that a large proportion of the rolling stock provided in the Railway Budget for 1925-26, particularly of third class coaches, is on account of new lines and that only a small proportion remains for the relief of existing congestion? If not, what is the exact or approximate proportion?

Mr. G. G. Sim: The answer is in the negative. A large proportion of the additional stock is for the relief of congestion on existing lines. The programmes of construction of additional rolling stock are based on the needs of each railway system considered as a whole, including new lines added during the year. This has been found the most economical arrangement.

It is not possible therefore to give any reliable approximate division between existing and new lines. During 1925-1926 additional third class coaches are being provided as follows:—

5'—6" Gauge	655
3'—3½" Gauge	100

NUMBER OF OFFICERS IN THE RAILWAY BOARD.

496. *Dr. K. G. Lohokare: With reference to the following statement made by Sir C. D. M. Hindley on February 25, 1925, during the discussion on Demand No. 1 of the Railway Budget for 1925-26:—

“ Incidentally, Mr. Jamnadas Mehta made a misquotation in regard to the number of officers we have. The information I have before me is that the number of officers, including supervising officers, in the Railway Board is at present 28, and 7 of these gentlemen are Indians ”

will Government kindly give the distribution of the 28 officers, under the following designations shown in the details of that Demand:

Chief Commissioner,
Members,
Directors,
Secretary,
Deputy Directors,
Assistant Directors,
Superintendents,

and also give the names of the 7 Indian officers?

Mr. G. G. Sim: A statement giving the information asked for is laid upon the table.

The distribution was as follows:—

Chief Commissioner	.	.	.	.	.	.	.	.	.	1
Members	.	.	.	.	.	.	.	.	.	3
Directors	.	.	.	.	.	.	.	.	.	4
Secretary	.	.	.	.	.	.	.	.	.	1
Deputy Directors	.	.	.	.	.	.	.	.	.	7
Assistant Directors	.	.	.	.	.	.	.	.	.	4

There were in addition at that time 8 officers on special duty in the office of the Railway Board.

The names of the 7 Indian officers were:—

Mr. A. M. Hayman, O.B.E.
Mr. Muzaffar Hussain.
Mr. M. D. Sheikh.
Mr. K. C. De.
Rai Sahib B. D. Puri.
Mr. F. C. Malhan.
Khan Sahib Barkat Ali.

CONVERSION OF THE POSTS OF ASSISTANT SECRETARIES IN THE RAILWAY BOARD INTO THOSE OF DEPUTY DIRECTORS.

497. ***Dr. K. G. Lohokare:** With reference to the following statement made by Sir Charles Innes on February 25, 1925, during the discussion on Demand No. 1 of the Railway Budget for 1925-26:

"We are not making provision for any more appointments, and the point which has puzzled Mr. Neogy, about the number of Assistant Directors is merely accounted for by this fact. Formerly we had three Assistant Secretaries. We changed their names to Assistant Directors,"

are Government aware that the Railway Administration Report for 1923-24 at page 84 states "the present posts of one Joint Secretary and four Assistant Secretaries were replaced by six Deputy Directors of similar status and one Assistant Director"?

If so, will Government kindly state whether as a matter of fact the posts of Assistant Secretaries were converted into those of Deputy Directors and not into those of Assistant Directors?

Mr. G. G. Sim: The reply given by Sir Charles Innes referred only to the provision in the Budget for 1925-26 of 4 posts of Assistant Directors. The Administration Report contrasted the organisation prior to 1st April, 1924, and the organisation introduced subsequently.

A statement is laid on the table showing the position on 31st March 1924 (prior to the creation of the new organisation), on 25th February 1925 (the date on which last year's Budget was discussed), and the present position.

Statement showing the strength of officers of the Railway Board before and after the re-organisation, and as it stands at present.

Designation.	Position on 31st March, 1924.	Position on 25th February, 1925.	Present position.
Chief Commissioner	1	1	1
Members—Financial Commissioner	3	3	3
Chief Engineers (Civil and Mech.)	2	<i>Nil.</i>	<i>Nil.</i>
Secretary	1	1	1
Joint Secretary	1	<i>Nil.</i>	<i>Nil.</i>
Assistant Secretaries	4	<i>Nil.</i>	<i>Nil.</i>
Registrar	1	<i>Nil.</i>	<i>Nil.</i>
Directors	<i>Nil.</i>	4	5
Deputy Directors	<i>Nil.</i>	7	4
Assistant Directors	<i>Nil.</i>	4	2
Deputy Secretary (temporary)	<i>Nil.</i>	<i>Nil.</i>	1
Total	13	20	17

NON-STOPPAGE OF THE LUCKNOW PUNJAB MAIL AND THE BOMBAY PUNJAB MAIL AT AMBALA CITY RAILWAY STATION.

498. ***Lala Duni Chand:** (a) With reference to the reply to my starred question no. 285 given on 12th February, 1924, by the Honourable Sir Charles Innes regarding the non-stoppage of the Lucknow Punjab mail and the Bombay Punjab mail at Ambala City railway station, will the Government be pleased to state whether the railway authorities are prepared to reconsider the question of stoppage if not of both the mails at least of Calcutta mail at Ambala City railway station?

(b) If the reply to (a) be in the negative, will the Government please state the particular reasons for accelerating the Calcutta and Bombay mail trains between Lahore and Saharanpore at the sacrifice of the convenience of the travelling public from the Ambala City railway station and other railway stations that have been similarly treated?

(c) Is it true that since the non-stoppage of the two mails at Ambala City railway station from 1st September, 1922, representations have been made supported by the officials and public asking for the stoppage of the mails and that no action has been taken on them?

Mr. G. G. Sim: This matter has been thoroughly examined by the Railway Administration on more than one occasion and it has also been discussed with the Local Advisory Committee. The railway authorities cannot see their way to comply with the request.

REDUCTION OF FARES ON THE DELHI-AMBALA-KALKA RAILWAY.

499. ***Lala Duni Chand:** (a) Is it true that while the railway fares on the North Western Railway and the Great Indian Peninsula Railway lines have been recently reduced, the railway fares on the East Indian Railway, particularly between Kalka and Delhi stations, are being retained at a very high level?

(b) If so, do the Government propose to take steps to give relief to the travelling public by reducing the fares on this line as well?

Mr. G. G. Sim: (a) The reply is in the negative.

(b) The North Western Railway propose to reduce passenger fares with effect from the 1st April 1926 and these fares will also apply over the Delhi-Ambala-Kalka Railway which is now worked by the North Western Railway.

ISSUE OF RETURN CONCESSION TICKETS ON THE EAST INDIAN RAILWAY.

500. ***Lala Duni Chand:** (a) Is it true that while on the North Western Railway line and certain other railway lines return concession tickets are issued, no return concession tickets are allowed on the East Indian Railway line?

(b) If so, do the Government propose to issue instructions to the proper railway authorities to allow return concession tickets on this line as well?

Mr. G. G. Sim: (a) The reply is in the negative.

(b) Does not arise.

APPOINTMENT OF INDIANS IN THE HIGHER GRADES ON THE EAST INDIAN RAILWAY.

501. ***Lala Duni Chand:** (a) Will the Government be pleased to state what steps they have taken since the East Indian Railway has been taken over by the Government to increase the number of Indians in the higher grades of service?

(b) Will the Government be pleased to place on the table a statement showing the number of appointments of Indians in the East Indian Railway made with a view to give effect to the principle of the Indianization of the Railway Service even to the limited extent recognized by the Government?

The Honourable Sir Charles Innes: (a) and (b) The Government of India are giving effect to the recommendation of the Lee Commission regarding Indianisation and during the short period since the East Indian Railway has been taken over by the State one Indian Assistant Executive Engineer has been recruited for the Railway and one Indian Assistant Electrical Engineer and four Indian Engineers appointed on short term covenants.

REDUCTION OF FARES ON THE KALKA-SIMLA RAILWAY.

502. ***Lala Duni Chand:** Is it a fact that the railway fares of all classes on the Kalka-Simla Railway was increased some years ago, and do the Government propose to take steps to effect the reduction in the fares?

Mr. G. G. Sim: The reply to the first part of the question is in the affirmative. The financial results of working the Kalka-Simla Railway do not justify any reduction in the existing fares.

PROVISION OF A LADIES' WAITING ROOM AT BINDHACHAL ON THE EAST INDIAN RAILWAY.

503. *Mr. Gaya Prasad Singh: (a) Are Government aware that Bindhachal on the East Indian Railway is an important place of pilgrimage for the Hindus and that there is no ladies' waiting room at this station owing to the absence of which passengers are put to great inconvenience?

(b) Is it a fact that at Chunar station (East Indian Railway) there are separate waiting rooms for ladies and gentlemen?

(c) Do Government propose to have an inquiry made with a view to provide a ladies' waiting room at Bindhachal?

Mr. G. G. Sim: Government have no information.

This is a matter which should be brought to the notice of the Agent, East Indian Railway, through his Local Advisory Committee

Mr. Gaya Prasad Singh: Are Government aware that the passenger traffic at Bindhachal is much heavier than that at Chunar?

Mr. G. G. Sim: No, Sir; Government have no information.

Mr. A. Rangaswami Iyengar: May I know whether it is Government's policy that, wherever a Local Advisory Committee has been formed, this House should be deprived of its jurisdiction to put questions in regard to railway administration?

Mr. President: The matter is one for the President to decide.

Mr. Gaya Prasad Singh: Are Government aware that there are some retired European railway employees who have settled down at Chunar, and it is for this reason that there are separate waiting rooms at Chunar and not at Bindhachal?

Mr. G. G. Sim: I have already informed the Honourable Member that Government have no information on the subject.

APPOINTMENT OF INDIANS IN THE POLITICAL SECTION OF THE HOME DEPARTMENT.

504. *Mr. Gaya Prasad Singh: (a) Will the Government be pleased to state how many sections there are in the Home Department of the Government of India, and what is the percentage of Indians employed in each of the sections?

(b) Is it a fact that in the Political Section of the Home Department there is not a single Indian Assistant or clerk?

(c) Is it a fact that frequent inter-transfers of those employed in the other sections of the Home Department take place, but not so in the Political Section? If so, why?

(d) Will the Government be pleased to state the reasons for keeping the Political Section a close preserve for non-Indians?

The Honourable Sir Alexander Muddiman: (1) The percentage of Indians in the Home Department is 75. The percentages in the seven sections vary from time to time and at the moment vary from 100 to 29.

(2) It is not a fact.

(3) Transfers from one section to another are made only as necessity arises and the staff of the Political Section is not excluded from such transfers.

(4) Does not arise.

Mr. Gaya Prasad Singh: How many Indians are now working in the Political Section?

The Honourable Sir Alexander Muddiman: I am not prepared to give my Honourable friend any more details of the interior economy of my office. This is a question which relates purely to the departmental arrangements of an office of the Government of India and I have already given my Honourable friend a very full reply. I can only say that the percentage cannot be more than 100 or less than 29.

Mr. Gaya Prasad Singh: Is it a fact that this Political Section was created in 1907, and in reply to a question which was asked on the 1st March 1921 the Government said that it has not been the practice to put Indians in the Political Section?

The Honourable Sir Alexander Muddiman: I have already told the Honourable Member that there are Indians in all sections of the Home Department and the percentage cannot be more than 100 and cannot be less than 29. He has heard my answer.

TELEGRAPHIC REPORT RELATING TO THE VOLUNTEERS' CONFERENCE HELD
AT CAWNPORE DURING CHRISTMAS.

505. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a report published in the *Amrita Basar Patrika*, dated the 8rd January, 1926, in which it is stated that a telegraphic report dated the 25th December last of the Volunteers' Conference which was held at Cawnpore in Christmas week, was withheld by the telegraph authorities, on the ground that it was "objectionable"?

(b) Will the Government be pleased to state what the portion was that was so withheld?

The Honourable Sir Bhupendra Nath Mitra: The reply to the first part of the question is in the affirmative and to the second in the negative.

ISSUE OF GUARANTEED DEBENTURE STOCK BY THE LARCONA JACOBABAD
(SIND) LIGHT RAILWAY.

506. ***Mr. Jamnadas M. Mehta:** (a) Is it a fact that the Larcona Jacobabad (Sind) Light Railway has issued Rs 4 lakhs of debenture stock at 7 per cent. per annum?

(b) Do the share-holders of this Railway enjoy a guarantee of dividend from the North Western Railway, which is a State Railway? Will Government state what the nature of this guarantee is?

(c) If the interest on the said Light Railway is guaranteed, will Government explain why they allowed the issue of such guaranteed debentures at 7 per cent., when Government are borrowing money at 5 per cent.?

(d) Was it not possible for Government to advance Rs. 4 lakhs to the said company at 5 per cent.?

(e) Do Government realise that the raising of these debentures in the Company's name vests the incremental value of these shares in the share-holders of the Company?

(f) Do Government realise that by permitting the said debenture loan to be raised at 7 per cent. the Indian tax-payer will have to pay a proportionately higher price to the shareholders of the Company, when the option to take over the line is to be exercised?

(g) Are Government aware that the Agents of the Company, Messrs Forbes, Forbes and Campbell of Karachi are to be paid 2 per cent. as commission on this Government guaranteed issue?

(h) Have Government approved of such commission being paid to them and if so, will Government be pleased to say for what services?

(i) Are Government aware that the brokerage on the said debentures is to be 1 per cent.? Do not Government consider this as too heavy for a Government guaranteed issue? What is the usual rate of brokerage paid by Government on their loans?

Mr. G. G. Sim: (a) Yes

(b) and (c). No firm guarantee for a fixed dividend has been given by Government, but if the net earnings of the Larkana Jacobabad Railway after payment of interest on debenture and other loans fall short of an amount equal to 5 per cent. of the paid up share capital, the deficiency is made up by Government by a payment so far as it can be met from the net earnings of the North Western Railway derived from traffic interchanged with the Larkana Jacobabad Railway

(d), (e) and (f). The general question of financing future capital requirements of branch line companies is already under consideration of Government, and in this case Government have reserved the right to call upon the Company to exercise the option provided in the terms of issue of the debenture stock to repay the whole or any portion of the stock at any time on giving six months' notice on any interest date. The application of this reservation will protect the interests of the Indian tax-payer whether the line is purchased or not.

(g), (h) and (i). A commission of 2 per cent. to Messrs. Forbes, Forbes, Campbell & Co., as promotion money on the debenture issue and a brokerage of 1 per cent. on all debenture stock allotted on application forms bearing brokers' or approved agents' stamps have been sanctioned by Government in consideration of the services rendered by the Company in placing the debenture stock issue. It is usual to allow promotion commission in such cases.

As regards the rate of brokerage paid by Government on their loan of 1925, the Honourable Member is referred to the Government of India, Finance Department Notification No. F.-47-F., dated the 30th June, 1925.

CONSTRUCTION OF A RAILWAY BRIDGE OVER THE INDUS AT KALABAGH, ETC.

507. ***Sir P. S. Sivaswamy Aiyer:** Will the Government be pleased to state:

(a) whether a railway bridge across the River Indus at Kalabagh has been sanctioned and, if so, when the construction is likely to be taken in hand:

(b) whether the railway survey between Hindubagh and Fort Sandeman in Baluchistan was completed some time back, and if so, when its construction is likely to be sanctioned and taken in hand:

- (c) whether before the Great War in 1914, there was an office for over two years in Dera Ismail Khan, for the survey of the Zhob Dera Ismail Khan Railway, what route was surveyed, what the estimated cost was, what became of the scheme and when it is likely to be taken in hand :
- (d) whether before the evacuation of Wano in 1914, a tonga could go on the road between Dera Ismail Khan and Wano and whether the Government will be pleased to improve it like the Ghazni Khel Daraban road :
- (e) whether Fort Sandeman can be connected with Dera Ismail Khan by a metalled road specially through Wano or Sarwakai or any other station in the Mahsud territory, and if not, what other road is practicable and what will be its distance and estimated cost :
- (f) whether, notwithstanding the fact that the Tank Dera Ismail Khan Decauville Railway was made over to the North Western Railway, from the 1st of April last, and provided for in the Railway Budget, no steps have been taken so far to convert it into a proper gauge like the Lakki Pezu-Tank Railway and, if so, when the same will be carried out : and
- (g) what expert opinion has been obtained by the Government of India, regarding the success or otherwise of the Stone Bund constructed to protect the town and the cantonment of Dera Ismail Khan ?

Mr. G. G. Sim : (a) The project for a bridge over the Indus at Kalabagh is being revised. When the revised estimates are received, the construction of the bridge will be considered.

(b) Yes; a report on the Hindubagh-Fort Sandeman Railway Survey has recently been submitted. A proposal to sanction the construction of the first section from Hindubagh to Kila Saifullah is under consideration and is expected to be settled shortly.

(c) The Dera Ismail Khan-Fort Sandeman section of the Zhob Valley Railway was surveyed in 1913-14. The cost of the line, 121 miles in length, on the 2' 6" gauge was estimated at Rs. 154.77 lakhs. The construction of this line was shelved indefinitely as the cost appeared disproportionate to the resulting advantages. Government do not contemplate taking up this project at present.

(d) Before the evacuation of Wano in 1919 (not 1914) wheeled vehicles did occasionally reach that place but as the road runs through shale for several miles and was not kept up during the War it became impassable. There is no present intention of improving it as suggested by the Honourable Member.

(e) Such connection would be practicable through Sarwakai.

(f) A report on the Tank Dera Ismail Khan Decauville Railway has only recently been received, and the question of converting the tramway is under consideration.

(g) The work is still in progress. It would be premature, therefore, to say to what extent it will be a success. The proposals were carefully examined and passed by the Consulting Engineer to the Government of India, before the estimates were sanctioned.

Mr. K. Ahmed: Do Government propose for the public safety not to construct any roads in the Mahsud country because people are kidnapped, taken away and maltreated, or do they consider that it is better for the country that roads for passers-by should be constructed so that people, Europeans particularly, may be kidnapped and maltreated?

The Honourable Sir Charles Innes: I do not think the Honourable Member heard the answer given by the Honourable Mr. Sim to part (d) of the question. If he wants any further information on roads in the North West Frontier Province he had better put the question down.

SIR FREDERICK WHYTE'S BOOK IN FEDERAL CONSTITUTIONS.

508. ***Mr. C. S. Ranga Iyer:** (a) Was Sir Frederick Whyte's book on Federal Constitutions printed at the Government expense?

(b) What is the cost of printing and publishing?

(c) Will the Government be pleased to state the purpose of publishing such books if the Government do not subscribe to the opinions expressed therein?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) Approximately Rs. 2,000

(c) The purpose of the publication was to provide material for the student of Indian Constitutional Reform. It was thought that, as similar questions may call for settlement in India in the future a statement in a readily available form of the relations subsisting between Central and Local Governments in the principal federal constitutions of the world would be valuable to public men in India.

Mr. C. S. Ranga Iyer: What were the terms of reference of the investigation on which Sir Frederick Whyte was engaged?

The Honourable Sir Alexander Muddiman: I cannot recall them from memory. The book is the best answer to that.

Diwan Bahadur T. Rangachariar: Do Government propose to supply Members with copies of this book?

The Honourable Sir Alexander Muddiman: I have already referred to that in my answer to a previous question.

Mr. C. S. Ranga Iyer: What action do the Government propose to take on the publication?

The Honourable Sir Alexander Muddiman: I propose to read the book, Sir, and I hope the Honourable Member will do likewise.

Mr. C. S. Ranga Iyer: Is it a fact that the Home Member and the Finance Member collaborated with Sir Frederick Whyte in writing the book?

Mr. President: Order, order.

Mr. A. Rangaswami Iyengar: May I know, Sir, what was the remuneration paid?

The Honourable Sir Alexander Muddiman: Yes, Sir, that appears in a subsequent answer to a question which is down on the paper.

Mr. C. S. Ranga Iyer: How was the payment made?

The Honourable Sir Alexander Muddiman: I am not sure whether it was in rupees or in notes.

Mr. C. S. Ranga Iyer: Was the payment made in advance?

The Honourable Sir Alexander Muddiman: Sir Frederick Whyte was paid as the work went on.

Mr. C. S. Ranga Iyer: Are the Government aware that a third-rate Professor of a University could have written a better book than that?

The Honourable Sir Alexander Muddiman: I am not aware of that Sir, and I think it is a very remarkable reflection on a very distinguished public man.

MR. RUSHBROOK WILLIAMS' BOOK ON THE MORAL AND MATERIAL
PROGRESS OF INDIA.

509. ***Mr. C. S. Ranga Iyer:** (a) Is it a fact that the Government do not subscribe to opinions expressed in Mr. Rushbrook Williams' book on the Moral and Material Progress of India?

(b) Is that book presented to the British Parliament on behalf of the Indian Government?

(c) What is the idea in presenting a publication which does not express Government's own opinion?

The Honourable Sir Alexander Muddiman: I invite attention to the reply I gave on the 26th January to Mr. Devaki Prasad Sinha's question No. 241

Mr. C. S. Ranga Iyer: Will the Government be pleased to state if they propose hereafter to see to it that the Government of India publications contain the views of the Government of India and not of a publicity officer?

The Honourable Sir Alexander Muddiman: The point about that is this, and I would like to make it clear because the question does really seem to require some explanation. If you have a book prepared by a Government officer and every sentence in that book is vetted by the Government you get a very jejune and dull publication. If, on the other hand, you give a man general authority to write your book you may get something that people will read but, unless you put in a "caveat," it may involve Government to an unreasonable degree. That is the whole point of it. Government cannot possibly go through a large volume of matter and endorse not only the words but also the atmosphere. It is impossible to do that.

Mr. K. Ahmed: Do Government for the benefit of the country propose in future to publish such books after they have got the approval of this House?

The Honourable Sir Alexander Muddiman: I think, Sir, that in that case the book would be somewhat late in coming out.

Mr. K. Ahmed: Would the Honourable Member kindly take the opinion of this House before such a book is published?

COMMUNIST PROPAGANDA AMONG INDIAN STUDENTS AT OXFORD.

510. ***Kumar Ganganand Sinha:** Has the attention of the Government been drawn to the Reuter's telegram published at the top of the last column in the first page of the *Hindustan Times* (Late Edition) of December 12th, 1925, entitled "Maligning Indian Students"? If so, will the Government be pleased to state the exact state of things with respect to Indian students in England?

The Honourable Sir Alexander Muddiman: I am not in a position to say more than that the Government of India have received information showing that Communists in England were carrying on undesirable activities among Indian students at Oxford.

Mr. Chaman Lall: Do I understand the Honourable Member to say that the Government of India have received this information?

The Honourable Sir Alexander Muddiman: Sir, I have received that information.

Mr. Chaman Lall: May I ask the Honourable Member whether he considers that information to be correct?

The Honourable Sir Alexander Muddiman: Yes, Sir, I consider it to be very correct.

Mr. Chaman Lall: Will the Honourable Member please place the information at the disposal of the Members of this House?

The Honourable Sir Alexander Muddiman: Not beyond the statement I have already made, Sir.

Mr. Chaman Lall: Do we take it that it is a matter of public policy that the Government should not place this matter before the Members of this House?

The Honourable Sir Alexander Muddiman: It would certainly not be in accordance with public policy that we should exhibit to this House the particular method and manner in which this very deleterious influence was being exercised over young and unguarded Indians.

Mr. Chaman Lall: Is the Honourable Member aware that the Secretary of the Oxford Mejliss has repudiated this charge in the Press in England?

The Honourable Sir Alexander Muddiman: I have seen it.

Mr Chaman Lall: Has he not categorically denied that there is no such influence exercised?

The Honourable Sir Alexander Muddiman: I have not seen that. I could not indeed answer unless I had read the statement much more carefully than I have done.

CONTRACT FOR THE CARRIAGE OF MAILS WITH THE INDIAN STEAM RIVER NAVIGATION COMPANY.

511. ***Kumar Ganganand Sinha:** Do the Government give any kind of pecuniary assistance to the Indian Steam River Navigation Company? If so, to what extent and on what condition?

CONTRACT FOR THE CARRIAGE OF MAILS WITH THE INDIAN STEAM RIVER NAVIGATION COMPANY.

512. ***Kumar Ganganand Sinha:** What are the terms of the agreement between the Government and the Indian Steam River Navigation Company, if there is any, regarding the plying of steamers in Indian rivers by the latter?

The Honourable Sir Charles Innes: I will reply to questions Nos. 511 and 512 together.

Apart from a contract for the carriage of mails, there is no agreement between the Government and the Company referred to and no pecuniary assistance is given to the Company.

Mr. K. Ahmed: Are the Government of India aware that on the back of the tickets issued to passengers by the European Steamship Companies, there is a stipulation that the Companies do not undertake any responsibility for damage done to property or injuries caused to the passengers?

The Honourable Sir Charles Innes: No, Sir, I am not aware of that fact.

Mr. K. Ahmed: Do Government propose to take steps to relieve the public of the difficulty and give them the protection of the courts of law which they are entitled to seek in case of damage to goods or of injury done to passengers? Is it not against public policy if this sort of stipulation is not removed from the back of such receipts for goods and of passenger tickets?

The Honourable Sir Charles Innes: I am unable to see, Sir, what connection this supplementary question has with the original question.

Mr. K. Ahmed: It has with the question of the plying of steamers on Indian rivers.

RECOMMENDATIONS OF THE LEE COMMISSION -REGARDING THE INDIANISATION OF THE SERVICES.

518. ***Kumar Ganganand Sinha:** Will the Government please state when they propose to give effect to the recommendations of the Lee Commission regarding the Indianisation of the Services?

(No answer was given to this question.)

Mr. Chaman Lal: What about the answer to question No. 513?

The Honourable Sir Alexander Muddiman: That has already been answered.

Mr. President: Honourable Members are expected to know what is going on in the House.

ADMISSION OF INDIANS INTO THE BRITISH NAVY.

514. ***Kumar Ganganand Sinha:** Will the Government be pleased to state whether Indians are eligible for admission to the British Navy? If so, what are the qualifications necessary for the same?

ADMISSION OF INDIANS INTO THE BRITISH NAVY.

515. ***Kumar Ganganand Sinha:** Will the Government be pleased to lay on the table of the House a copy of the rules and regulations regarding the admission of Indians to the British Navy if there are any?

ADMISSION OF INDIANS INTO THE BRITISH NAVY.

516. ***Kumar Ganganand Sinha:** Will the Government please state whether any Indian has been appointed to the British Navy so far? If so, how many? What are their ranks? If no Indian has been so appointed, why? Is it proposed to appoint any Indian in the near future?

Mr. E. Burdon: With your permission, Sir, I propose to reply to questions Nos. 514—516 together.

Indians are not eligible for admission to the commissioned ranks of the Royal Navy, and there are no rules or regulations on the subject. In consequence, no Indian has been appointed so far, and the Government of India are not in a position to say when an Indian will be so appointed, as they have no control over the administration of the Royal Navy, which is entirely in the hands of His Majesty's Government.

As regards other ratings I am making inquiries and will let the Honourable Member know in due course.

APPOINTMENT OF BIHARIS IN THE NORTHERN INDIA SALT REVENUE DEPARTMENT.

517. ***Kumar Ganganand Sinha:** Is it a fact that no Bihari holds an appointment as Superintendent of Salt in the Indian Salt Department? If so, why? If not, how many Biharis hold such posts?

The Honourable Sir Basil Blackett: Assuming that the Honourable Member is referring to the Northern India Salt Revenue Department the answer to the first part of the question is in the affirmative. The reason for there being no Bihari in the grade of Superintendents is no doubt the fact that the bulk of the operations of the Department extends over Liajputana, the Punjab and North-West Frontier Province, so that opportunities for the selection of Biharis for service in the Department are not very great.

TOTAL STRENGTH OF THE SUPERIOR SERVICES OF THE IMPERIAL BANK OF INDIA.

518. ***Kumar Ganganand Sinha:** Will the Government be pleased to state the total strength of the superior services under the Imperial Bank of India and the grades and scales of pay of such services?

APPOINTMENT OF BIHARIS IN THE SUPERIOR SERVICES OF THE IMPERIAL BANK OF INDIA.

519. ***Kumar Ganganand Sinha:** Will the Government be pleased to state the number of Indians appointed in the superior services under the Imperial Bank of India? How many of them are Biharis? If none of them is a Bihari, why is it so? Do Government propose to recommend to the Bank to make some appointments from Bihar candidates?

APPOINTMENT OF BIHARIS IN THE SUPERIOR SERVICES OF THE IMPERIAL BANK OF INDIA.

520. ***Kumar Ganganand Sinha:** Will the Government be pleased to state if they have any information as to how many candidates for the superior services under the Imperial Bank of India were Biharis and on what grounds they were rejected?

The Honourable Sir Basil Blackett: With your permission, I will answer questions Nos. 518, 519 and 520 together. The matters raised in these questions are not within the knowledge of the Governor General in Council.

Mr. A. Rangaswami Iyengar: Will the Government of India be pleased to obtain that "knowledge" by asking for the information from the Bank?

The Honourable Sir Basil Blackett: I see no reason why we should obtain this information any more than how many Biharis are employed by the Swaraj Party.

Mr. A. Rangaswami Iyengar: May I know whether Government think that they are not at all responsible for the conduct of the affairs of the Imperial Bank?

The Honourable Sir Basil Blackett: The question of the responsibility of the Government of India for the affairs of the Bank does not arise on this question; that is a question that must be answered with reference to the Act and rules. But I think that it must be obvious to Honourable Members of this House that the question of the appointment of Biharis or some other Indians to the Imperial Bank or the question of the exact details of a loan given by the Imperial Bank are things which could not possibly be dealt with by the Government of India or in which they could take any responsibility.

Mr. Gaya Prasad Singh: May I know if question No. 518 refers to the appointment of Biharis at all? It does not relate to the appointment of Biharis.

The Honourable Sir Basil Blackett: It relates to the total strength of the superior services, whatever that may mean, in the Imperial Bank of India. The Government of India have nothing to do with that.

Mr. R. K. Shanmukham Chetty: May I know whether besides the Imperial Bank of India Act there are any other documents which define the relations of the Government of India with the Imperial Bank?

The Honourable Sir Basil Blackett: I cannot answer that offhand, but so far as I am aware, the Imperial Bank of India Act, the rules thereunder and the contract which has been laid on the table of this House between the Imperial Bank of India and the Government of India are the only documents.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether in regard to the administration of the Imperial Bank the Government do not possess the power even under the contract to prescribe to the Imperial Bank methods of administration which are fair and just to the people of this country whose monies are deposited with them?

The Honourable Sir Basil Blackett: If any question were to arise of the methods being unfair and unjust—it has never yet arisen—then some other question might possibly arise. The matter is entirely hypothetical. The Government of India do not run the Imperial Bank and have no intention of doing so.

RECRUITMENT TO THE INDIAN MEDICAL SERVICE.

521 ***Kumar Ganganand Sinha:** Will the Government be pleased to state when the competitive system of recruitment is going to be introduced in England for the Indian Medical Service, and will the Government be pleased to lay on the table a copy of the rules and regulations for the recruitment of Indians to the Indian Medical Service?

Mr. E. Burdon: The Government of India are unable to say when the competitive examination in England for recruitment to the Indian Medical Service will be reintroduced. A copy of the regulations for the recruitment of Indians to the Indian Medical Service will be found in the Library.

RECRUITMENT OF INDIANS IN ENGLAND TO THE INDIAN SERVICE OF ENGINEERS.

522. ***Kumar Ganganand Sinha:** Will the Government be pleased to lay on the table a copy of the rules and regulations for the recruitment of Indians to the Indian Service of Engineers, in England? How many of the said posts are guaranteed to the various Engineering Colleges in India?

The Honourable Sir Bhupendra Nath Mitra: As a result of the recommendations of the Lee Commission, recruitment in England to the Indian Service of Engineers has, with effect from the year 1925, been confined generally to European British subjects. Generally speaking, Indians are, therefore, no longer recruited for the Service in that country. With regard to the second part of the question the number of appointments hitherto guaranteed is approximately 10·6 per annum, but it has been decided that pending a final decision in regard to the system to be adopted for selection in India of candidates for appointment to the Indian Service of Engineers, no guarantee of appointments in that service can be given to students entering the Engineering Colleges in future

ELECTION OF MEMBERS TO THE COMMITTEE ON PUBLIC ACCOUNTS

Mr. President: Non-official Members will now proceed to elect eight members to the Committee on Public Accounts. There are 18 candidates whose names are printed on the ballot papers which will now be supplied to Members in the order in which I call them.

Mr Rangaswami Iyengar has withdrawn his candidature.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural). I also withdraw my candidature for the Public Accounts Committee.

Mr. President: Honourable Members were requested to give timely intimation if they desire to withdraw.

Mr. Raina Aiyangar also has withdrawn his candidature.

(The ballot was then taken.)

ELECTION OF MEMBERS TO THE STANDING FINANCE COMMITTEE.

Mr. President: The Assembly will now proceed to elect 14 members to serve on the Standing Finance Committee. There are 16 candidates whose names are printed on the ballot papers which will be supplied to Honourable Members in the order in which I call them.

Mr. Shanmukham Chetty has withdrawn his candidature.

(The ballot was then taken.)

APPOINTMENT OF Mr. T. C. GOSWAMI TO BE A MEMBER OF THE LIBRARY COMMITTEE.

Mr. President: I have to inform Members of this House that a vacancy having occurred in the personnel of the Library Committee by reason of the resignation of Mr. K. C. Roy from the Legislative Assembly, I have appointed Mr. T. C. Goswami to the Library Committee.

THE MADRAS CIVIL COURTS (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, I move that the Bill further to amend the Madras Civil Courts Act, 1873, be taken into consideration.

By this Bill, Sir, we propose to enable subordinate courts in Madras to be empowered to dispose of probate and administration matters in the same way as subordinate courts in other provinces may already be empowered. The general law in regard to probate and administration matters is now of course contained in the Indian Succession Act of 1925. Under that Act powers are given to the District Judges and to the District Delegates, but under such a provision as that contained in section 286 a District Delegate may not in any case in which there is contention grant probate or letters of administration. Contention is defined in the Explanation to that section as meaning the appearance of any one in person, or by his recognised agent, or by a pleader duly appointed to act on his behalf, to oppose the proceeding. The result, therefore, is that under the general law all contentious matters in connection with probate and administration must be disposed of by the District Court.

The principle of the present Bill is of course that of devolving powers from the District Judge so far as this can be done with safety, with the object of enabling the District Judge to devote more time to other work.

Turning to the Bill the only detail which I think I need mention when explaining the general provisions of the Bill is that in sub-section (3) of the proposed section 29. That sub-section, it will be seen, is an exception to section 13 of the Madras Act, which deals with the courts to which appeals lie. This sub-section is practically a verbatim copy of sub-section (1) of section 24 of the Bengal, Agra and Assam Civil Courts Act. If any Honourable Member would like to compare the two provisions I will read sub-section (1) of section 24 of the Bengal, Agra and Assam Civil Courts Act. That sub-section runs as follows:

“Proceedings taken cognisance of by, or transferred to a Subordinate Judge or Munsif, as the case may be, under the last foregoing section shall be disposed of subject to the rules applicable to like proceedings when disposed of by a District Judge:

Provided that an appeal from an order of the Munsif in any such proceedings shall lie to the District Judge.”

That is to say, we have practically copied the provisions now in force in Bengal in this proposed amendment of the Madras Act.

There is one other small point to which I think I should refer and that is that in the Acts governing the courts in other provinces, generally speaking, in provisions of this kind reference is made to the Indian Succession Act of 1885, and the Probate and Administration Act of 1881. Of course those two Acts have been repealed and re-enacted in the Indian

Succession Act of 1925, but that Act not only re-enacts the provisions of the two Acts of 1865 and 1881, but the provisions of several other Acts as well. That means that the possible devolution of powers under this provision will be somewhat greater than under the local Courts Acts in other provinces. As an example I may refer to the Succession Certificate Act of 1869. I think, however, Honourable Members will all agree that there is no reason why a specially empowered Subordinate Judge who may dispose of probate and administration matters in which there is contention should not be able to dispose of an application for succession certificate for the disposal of which of course the court merely has to find that there is a *prima facie* case that the man applying has the best title to the certificate.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadian Rural): Sir, I rise not so much to oppose the motion, but to do as much as that. My first question is, is this Bill either necessary or expedient? In the Statement of Objects and Reasons it is stated that this Bill is intended to afford relief to the District Judges in the Madras Presidency, the Civil Justice Committee having recommended that a provision like this should be inserted in the Madras Civil Courts Act, 1873. Sir, considering the eagerness and enthusiasm with which the Civil Justice Committee, or the Laws Delays Committee as it is sometimes called, has been ushered through in this Assembly by His Excellency the Viceroy, it was thought that more substantial reforms would be introduced to put an end to the delays altogether; but instead we find Government taking a trifle here and a trifle there out of the Civil Justice Committee's Report and introducing in this Assembly a Bill of such a trifling nature as this. In the September Session you took up a trifle in extending the Religious Endowments Act, devolving certain powers on Subordinate Judges. To-day you want a devolution of certain powers under the Indian Succession Act, as though it was going to do a great deal. The principal question which Government ought to have considered in introducing a Bill of this nature was first to see what was the relief which was more urgent, which ought to have been given earlier than the relief to District Judges. Sir, before you give relief to the Subordinate Judges and the district Munsiffs in the Madras Presidency it is not wise to put some more work, some more burdens, upon these Subordinate Judges and Munsiffs in the Madras Presidency who are certainly more overworked than the District Judges. Sir, if authority is needed for that you will find it in the Civil Justice Committee's Report itself. You find at page 16 of the Report, where they deal with the seriousness of delays in the disposal of suits and when they give a table, they say that the figures of the District Judges' Courts are not of sufficient importance to justify their being included in that table. That is the remark which the Civil Justice Committee itself has passed at page 16 of their Report; and they have given detailed figures. There you find that the number of uncontested decisions which were passed by the Subordinate Judges, excluding their small cause jurisdiction, in 1922 was 122,007; the contested decisions were 64,745 and arrears pending for over a year 14,069. As against this you find that the arrears left by the District Judges was only about 422. Now, can you really say, Sir, in the face of these facts, in the face of these figures, which have been placed before us by the Civil Justice Committee, that it is the District Judges that require immediate relief and not the Subordinate Judges and the Munsiffs in preference to them? We have also got detailed figures about

[Mr. C. Duraiswami Aiyangar.]

the Subordinate Judges and the Munsiffs, and you find that the decisions which have been passed by the Munsiffs were 118,060, of which 61,889 were contested; undecided at the end of the year 52,881 and pending over a year 12,012. Similarly, Sir, with the Subordinate Judges you find 8,927 decisions of which 3,056 were contested, undecided at the end of the year 4,264, and pending over a year 2,057. And what after all are the numbers of the staff of these officers? There are 24 District Judges, 31 Subordinate Judges and only 152 District Munsiffs. In the face of these figures, Sir, do you think it is justifiable to take away some more of the work of the District Judges before you have taken measures to relieve the District Munsiffs and the Subordinate Judges of their heavy work? I know, Sir, from my own experience that many District Judges come to court between 12 and 1, and leave court at 4 just to go from one court to another court, that is, the tennis court; whereas District Munsiffs have to work up till lamplight at a time when the District Judges are playing bridge at their clubs. In the face of this heavy work on the part of Munsiffs, the Government of India find it necessary to relieve the District Judges in the first place. Why has all this occurred? Because you are not prepared to put in Indian District Judges in larger numbers. You put in persons who have no experience of Munsiffs' work, who have no experience of subordinate judges' work. You recruit them directly when you do not want them in the executive line; you recruit them because they have been in the field for some time; and the result is that District Judges leave these arrears and you now want to throw all this extra burden upon the shoulders of Subordinate Judges and Munsiffs. I ask you, is this fair that you should take up the question of relieving the District Judges in the first place before you have thought of relieving the Subordinate Judges and Munsiffs? After introducing measures in that respect, this Bill will be in place in this Assembly; but I ask you, Sir, seriously to tackle that matter first. When I opened I said I was not really and fully opposing the Bill but doing as much as that. That is for the simple reason that the relief you are proposing to give to the District Judges in this matter and the probable additional weight you are going to throw on the Subordinate Judges will be a fleabite in either case. So far as my experience goes cases under the Indian Succession Act are very few, one in a year or one in two years. I shall not be sorry if this work is thrown on the District Munsiffs; but I ask you on principle to tackle this question first, as to how you can relieve the subordinate judiciary.

Now, so far as the Indian Succession Act is concerned, I do think that it is not proper that you should take it away from the jurisdiction of the District Judges and give it to the District Munsiffs with an appeal to the District Judges. The Honourable Mr. Tonkinson stated just now that he has made provision here for an appeal on an order of a District Munsiff when an application involving an estate worth even lakhs of rupees may be transferred for the simple reason that the District Judge wants to wash his hands of it; and then the only appeal he provides for is an appeal to the District Judge. It will be time enough to consider that question later. However, as the Honourable Member has stated it now, I may also ask him whether he implies thereby that in these proceedings he allows only one appeal and that from the District Munsiff to the District Judge. I do think that in cases arising under the Succession Act, complicated questions of succession, complicated

questions relating to wills and when applications are made for letters of administration, with the will annexed, will arise, and that will be a subject-matter for giving an appeal to the High Court itself. That is another hardship which you will have to consider. I may also point out to him that if an application is contested it is generally registered as a suit and if it is registered as a suit a decree follows. I do not see any necessity why you should make a provision like this that the order of a Munsiff should be appealable to a District Judge. Why not make it, as civil procedure allows in the case of a decree, appealable to the District Judge as well as to the High Court? That is another matter which I ask him to consider; but in the main I do think that this is neither necessary nor desirable, namely, that we should take away the jurisdiction of the District Judge in this small matter and put it as an additional burden upon the District Munsiff. I know there will be a tendency to shuffle the responsibility from one to another. The District Judge will put it on the Munsiff if the High Court only authorises him to make this transfer; and it is the Munsiffs who will suffer. I am not quite satisfied whether the local bars of the Munsiffs' Court will be able to tackle cases arising under the Succession Act; and after all it will be no advantage to the parties themselves that they should go to the Munsiffs' courts in matters affecting their succession. It often affects Christians especially as to the manner of succession that is provided for in the Succession Act, and it would be much better if these questions were allowed to be handled by the District Judge. By taking away this jurisdiction you are really giving no relief to the District Judge and therefore that is a matter which the Government should seriously consider. With these remarks I resume my seat.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadian Urban): Sir, I am rather surprised at the attitude adopted by my Honourable friend from Chittoor. There are courts and courts. There are heavily worked courts like Tinnevely, where cases under the Succession Act are very large in number and the District Judges are not able to dispose of these cases. Oftentimes these petitions hang on for a long time to my knowledge. There are districts and districts. Chittoor is not a district with many cases under the Succession Act. This after all is an enabling Act, enabling the High Court to empower Subordinate Judges and District Judges to take cognizance of these cases. Under the law as it stands, Subordinate Judges and District Munsiffs are debarred from undertaking or disposing of these cases. The High Court will take care to see what Subordinate Judges and Munsiffs should be empowered, in what areas they should be empowered. In what districts District Judges are overworked or have a large amount of work they cannot cope with and where such transfers should be empowered; and I think it very desirable to have the provisions which this Bill introduces. My Honourable friend has apparently got his complaint that the other provisions of the Civil Justice Committee's Report have not been given effect to as speedily as he would desire. It is rather a very difficult task to go through that voluminous Report of the Civil Justice Committee; and I am glad that the Government are introducing Bills dealing with each subject separately. It focusses attention on those subjects and I do commend the action of Government in introducing these short Bills dealing with particular questions.

Mr. C. Duraiswami Aiyangar: Do you want a Legislature Delays Committee?

Diwan Bahadur T. Rangachariar: Not at all. On the other hand this will facilitate legislation by drawing particular attention to defects; by this method which the Government now adopt of introducing legislation on particular matters it focusses attention on those issues and draws our attention to them. Therefore, I welcome this piece of legislation; it is necessary, it is desirable and it is only an enabling measure and I do not see any mischief in it. I am surprised at the attitude adopted by my Honourable friend from Chittoor.

Mr. H. Tonkinson: Sir, after the very able speech of my learned friend, the Deputy President, I do not propose to say much. Indeed I do not think that there is really anything further to state in regard to the remarks of my Honourable friend, Mr. Duraiswami Aiyangar, so far as the work of the District Judges and of the subordinate courts is concerned. I must say, however, that I think that he has made quite unfair remarks in regard to the work of the District Judges. I will leave it at that.

Mr. C. Duraiswami Aiyangar: Did I hear my Honourable friend say that I made unfair remarks?

Mr. H. Tonkinson: Yes.

Mr. C. Duraiswami Aiyangar: Will he accept the truth of my remarks on the strength of my personal experience?

Mr. H. Tonkinson: Sir, I have nothing more to add than to commend the Bill to the House.

Mr. President: The question is—

“That the Bill further to amend the Madras Civil Courts Act, 1873, be taken into consideration.”

The motion was adopted.

Mr. President: The question is—

“That clause 2 do stand part of the Bill.”

Diwan Bahadur T. Rangachariar: May I suggest Sir, that the proviso be taken up separately? I have something to say about the proviso. Why should not an appeal lie direct to the High Court?

The Honourable Sir Alexander Muddiman (Home Member). Is there any amendment on the paper?

Diwan Bahadur T. Rangachariar: I am sorry I have not tabled one.

The Honourable Sir Alexander Muddiman: I should have liked to have it looked up; it is rather a bit of a surprise. Would it satisfy the Honourable Member if I were to agree to consider it before it is passed in another place?

Diwan Bahadur T. Rangachariar: Very well, Sir.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. H. Tonkinson: Sir, I move that the Bill be passed.

The motion was adopted.

THE GUARDIANS AND WARDS (AMENDMENT) BILL.

Mr. H. Tomkinson (Home Department: Nominated Official): Sir, I move that the Bill further to amend the Guardians and Wards Act, 1890, be taken into consideration.

By this Bill, Sir, we propose to substitute for certain provisions which occur in certain Courts Acts in different provinces, provisions in the general Act relating to guardian and wards. Under those provisions it will be possible for the High Court to take action by which district courts or their subordinate courts shall be empowered so that all the proceedings relating to a particular estate of a ward or particular proceedings relating to that estate may be disposed of by particular subordinate courts. The principle of the Bill is the same as that which has just been passed.

Turning to the Bill itself, it will be seen that in the first place the definition of Court which is now contained in the Guardians and Wards Act is extended. Then, we have a new section 4-A, which in the first place gives power to the High Court to empower District Judges and to empower judges of courts subordinate to District Judges. Then, in sub-sections (2) and (3) we give power to a District Judge to transfer from one court to another or back to his own court. Finally, in sub-section (4) we give a power to the District Judge by order in writing to declare that the court of the Judge to whom proceedings are transferred shall for all or any of the purposes of the Act be deemed to be the court which appointed or declared the guardian.

I should perhaps refer briefly to the reasons for the form which the draft of this Bill takes. At the present time, under section 46 of the Guardians and Wards Act, it is possible for the court to call upon any court subordinate to it for a report on any matter arising in any proceeding under this Act and to treat the report as evidence. Under the Bill we propose to enable the court in certain cases to transfer the proceedings for disposal to subordinate courts. Now, proceedings under the Guardians and Wards Act are many and various. In the first place, we have proceedings in regard to the appointment or declaration of a guardian. Then after such a guardian has been appointed there may be numerous proceedings in regard to a particular estate with reference to the acts of the guardian after he has been appointed. As an example, I would refer to the provisions of section 29 of the Guardians and Wards Act. When a person other than the Collector has been appointed as the guardian, then he may not without the previous permission of the court mortgage or charge or transfer by sale, gift, exchange or otherwise, any part of the immoveable property of his ward or again he may not lease any part of that property for a term exceeding five years or for any term extending more than one year beyond the date on which the ward will cease to be a minor. There are numerous provisions of this description throughout the Act; that is to say, when once a guardian has been appointed, we have numerous cases where the guardian must come up to the court to get permission in regard to acts which he proposes to do with reference to the estate of the ward. Now, so far as these later proceedings are concerned, those proceedings can normally only be taken in the court which appointed or declared the guardian. Now, what will be the position under our Bill? A person will come up, we may assume, to the District Judge and ask that he may be appointed or declared to be the guardian of a ward. He must produce an application and it must contain

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all the numerous particulars specified in section 10 of the Act. The District Judge may decide that he himself will make an inquiry into this first application or he may decide that he will at once transfer that proceeding to the court of a Subordinate Judge. If he transfers the proceedings at once, then, that subordinate court will be the court which appointed or declared the guardian and therefore subsequent proceedings will all lie to and be heard by that court. If the District Judge has appointed the guardian himself,—and this will also of course apply in cases in which the guardian has been appointed before the amendment of the Guardians and Wards Act, which we propose by this Bill, is made—the District Judge is also to be empowered to declare by an order in writing that the court of a Subordinate Judge shall be deemed to be the court which appointed or declared the guardian.

Then again, all the proceedings in regard to the estate will lie to and be heard by that Court so long as the officer in charge of that Court is duly empowered.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): It may be a Munsiff's Court.

Mr. H. Tonkinson: Yes, the court subordinate to the District Judge may be a Munsiff's Court. In deciding as to whether all the proceedings in regard to the estate of a particular ward should be heard by a subordinate Court, we assume, Sir, that the District Judge would take into account such matters as those indicated in clause (c) of section 10 of the Act. That is to say, he would consider the nature, the situation and the approximate value of the property of the minor; he will also consider where the minor lives. If on a consideration of these questions and having regard to the pecuniary limits of the jurisdiction of the duly empowered officer in charge of the Subordinate Court in question he decides that there is no reason why that officer should not dispose of all the applications in regard to that estate, then there would be a *prima facie* case for transferring the proceedings in regard to that estate to such a duly empowered officer. The benefit which will follow from this Bill will of course depend entirely upon the extent to which the High Courts consider it will be safe to use the powers proposed to be confined by proposed section 4-A. As I have said already, such provisions are now in force in the Central Provinces, the Punjab and Oudh. The recommendation is made by the Civil Justice Committee, and it has received practically unanimous support from all Local Governments. Sir, I move.

Mr. S. O. Ghose (Bengal: Landholders): May I ask the Honourable Member one question? May I know, Sir, whether the Court which granted the order or any other Court other than that Court shall have jurisdiction to give permission to the guardian to sell or mortgage the properties of the minor?

Mr. H. Tonkinson: Sir, if under the provisions of sub-section (4) of proposed section 4-A of the Act, a Court other than the Court which did first appoint or declare the guardian is declared by an order in writing of the District Judge to be the Court which declared or appointed the guardian, then, obviously Sir, that Court will be able to give the permission required by section 29 of the Act which I assume is that referred to by my Honourable friend.

Mr. K. Ahmed: So, Sir, it comes to this, that there are certain other sections which will have to be amended because you cannot sell or purchase immoveable properties, and the only person who can give sanction to do so is the District Judge. You will have to amend many other sections of the Civil Procedure Code. Is that not so? Then again, you say that a Munsiff can be a Judge. Therefore, what about the Civil Procedure Code and the other sections under which the disposal of a property requires sanction, because it is a minor's property. That is the reason I am adding this question to my Honourable friend Mr. Ghose's query and asking for an explanation.

Mr. President: The question is:

"That the Bill further to amend the Guardians and Wards Act, 1890, be taken into consideration."

The motion was adopted.

Clauses 2, 3, 4 and 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. H. Tonkinson: I move, Sir, that the Bill be passed.

The motion was adopted.

THE SMALL CAUSE COURTS (ATTACHMENT OF IMMOVEABLE PROPERTY) BILL.

Mr. H. Tonkinson: Sir, I move that the Bill to resolve certain doubts as to the powers, in regard to the attachment of immovable property, of Provincial Small Cause Courts, be taken into consideration.

When leave was given for this Bill to be introduced on the 21st of last month, I deliberately refrained from attempting to explain the somewhat obscure provisions in the Code of Civil Procedure applicable to the decision of the question of the powers of Provincial Small Cause Courts to order attachment of immoveable property before judgment. I did so because, on the occasion of the first reading of a Bill, it is the practice only to permit of a short explanatory statement of the provisions of the Bill. I am afraid that I shall not be able to follow that course on the present occasion. On that occasion I said that from 1859 to 1908, with the possible exception of the short period between 1877 and 1879, it is quite clear that the Provincial Small Cause Courts never had the power to order attachment of immoveable property before judgment. I am sure that no Honourable Member here desires that I should attempt to trace the changes in the law which have taken place during all that period. I think, however, that I should refer to the provisions of the Code of Civil Procedure, 1882. Under section 5 of that Code the Chapters and sections of the Code specified in the Second Schedule were declared to extend to Courts of Small Causes and also to other Courts exercising the jurisdiction of Small Cause Courts, and it was further provided in that section that no other Chapters and sections of the Code should extend to such Courts. We have thus a list in the Second Schedule of the Code of the Chapters and sections of the Code which extended under that

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Code to Provincial Small Cause Courts. Under the Code of 1882 the question of arrest and attachment before judgment was dealt with in Chapter XXXIV of the Code. The entry in the Second Schedule in regard to Chapter XXXIV of the Code was as follows:

"Chapter XXXIV—Arrest and Attachment before judgment except as regards immoveable property."

To turn to the question of the powers of the Court in regard to execution of decrees, that was dealt with in that Code in Chapter XIX of the Code. Opposite the entry, "Chapter XIX" in the Second Schedule, there are various sections mentioned, for example, "section 266, except so far as relates to immoveable property", "section 273 so far as relates to decrees for moveable property", "section 284, so far as relates to moveable property", and so on. It is quite clear under the Code of 1882 that the Provincial Small Cause Courts neither had power to order attachment of immoveable property before judgment nor power to attach immoveable property in the execution of a decree after judgment. The position was exactly the same in the Bill which was referred to the Select Committee in 1908. In the Select Committee, however, the method of indicating the provisions of the Code which were applied to Provincial Small Cause Courts was entirely changed. In section 7 of the Code of Civil Procedure and in Order L so far as the Schedule is concerned, the drafters of the present provisions indicated those provisions in the body of the Code and the Schedule which would not extend to Courts of Small Causes. So far as the Schedule is concerned, in addition, of course, to the provisions in Order L, we have occasional provisions such as that in rule 10 of Order XVI, which indicates that a particular rule only applies in part to Provincial Small Cause Courts. But although the Select Committee of 1908 made this change in the method of setting out the law, so far as we can ascertain, they never intended to effect any change of substance. Indeed, the Select Committee themselves in their remarks on clause 7 said:

"The provisions as to Provincial Small Cause Courts have been re-arranged in what is hoped a more convenient form."

The question is whether the Provincial Small Cause Courts have at the present time power to order attachment of immoveable property before judgment. This question is dealt with in the body of the Code in sections 94 and 95 and in the Schedule in Order XXXVIII. Taking the First Schedule first, we will find that there is no reference to Order XXXVIII in Order L, that is to say, *prima facie* the Small Cause Courts have powers under Order XXXVIII because it is not mentioned as one of those Orders which do not extend to Small Cause Courts. On the other hand, from the body of the Code and the First Schedule it is quite clear that the Provincial Small Cause Courts have no power with regard to the execution of decrees against immoveable property. Now, let us apply that point to the provisions under Order XXXVIII. If one looks at rule 7 in Order XXXVIII one will find that "save as otherwise expressly provided, an attachment shall be made in the manner provided for the attachment of property in execution of a decree". The Provincial Small Cause Courts, as I have indicated, have clearly no powers at all to order the attachment in execution of immoveable property. If attachment before judgment is to take the same course as attachment after judgment, then

obviously they have no powers to attach immoveable property before judgment. In the Calcutta High Court on the other hand a distinction was raised between the powers to attach and the powers to order an attachment and a majority of the High Court after very involved arguments came to the conclusion on a consideration of the provisions of sections 94 and 95 and the reference to those sections in section 7 that the Provincial Small Cause Courts had power to order the attachment of immoveable property before judgment, not the power to attach but the power to order the attachment. There is at any rate no doubt that the law in regard to such a point as this should be absolutely clear. When the Provincial Small Cause Courts have been established to deal with applications expeditiously it is most important that there should be no doubt as to the law which applies to them. Everybody whom we have consulted is unanimous upon this point. As to the merits of the course which we have taken in endeavouring to show clearly that the Courts do not have that power I think also that there is little doubt. It is true that some authorities whom we consulted thought there was a little objection but the Calcutta High Court, the Bombay High Court, the Bombay Government, the Punjab Government, the Rangoon High Court and other authorities all raised what we consider to be very substantial arguments against giving these powers which, it seems quite clear, were never intended to be given. I notice that there is on the agenda paper a motion for a reference of this Bill to a Select Committee. In regard to that notice, I shall listen to what my Honourable friend has to say. Personally it seems to me that, although the present provisions of the law are very obscure, there can be no doubt as to the effect, no doubt at all in fact as to the effect of this Bill which is a very simple Bill. We find great difficulty already in finding time for Select Committees, and I would submit to Honourable Members of this House that, if this Bill is referred to a Select Committee, it will only mean that we shall have less time for Select Committees on non-official Bills. Sir, I move.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan). I do not rise to oppose this motion actually. My simple desire is that it be referred to a Select Committee. I have heard the Honourable Member in charge of the Bill. From what I have heard I do not find that the Government have been able to make out a good case for withdrawing the power of attachment from the Courts of Small Causes. There is no doubt that there have been conflicting opinions in regard to this—whether they have or have not the power. From the Statement of Objects and Reasons it will be found that they have the power. I will read what it says:

“In view of conflicting decisions on the question whether such a court has jurisdiction to order an attachment of immoveable property before judgment, the whole question was considered in detail by a Full Bench of the Calcutta High Court in the case *Barada Kanta Shaha Ray v. Sheikh Maj-ud-di* (52 Cal. 275). The Honourable Judges constituting the Bench held by a majority that a Court of Small Causes has such jurisdiction but expressed a doubt as to the intention of the Legislature in the matter when the Code was passed in 1908.”

So, it was only a doubt but the majority decided that Small Cause Courts had the power. Before 1908, except possibly for a short period, a Court of Small Causes never exercised any such jurisdiction and when the present Code of Civil Procedure was enacted in 1908 it appears that the Legislature did not intend to alter the pre-existing law. The Bill proposes to make it clear that a provincial Small Cause Court has not the

[Khan Bahadur Sarfaraz Hussain Khan.]

power referred to, and my submission, Sir, is that the Courts of Small Causes, as we mufassil people know, have done very good work and are very useful, and instead of strengthening the hands of such Courts this Bill intends to withdraw power from them. The contention is that before 1908 this power was not exercised except for a small period. We should know for how long the privilege was enjoyed, and furthermore the majority of a Full Bench of the High Court has given the verdict that the Small Cause Courts all along had the power though they might not have exercised it frequently. So I say it would be better if the whole question could be gone into by a Select Committee, who will have more time to go into the matter. I do not oppose the Bill and my only desire is to have the question looked into further. With these words I move the motion that the Bill be referred to a Select Committee.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I also wish to say a few words upon the principle involved in this Bill. We are practically dealing with the courts already existing, subordinate judges and munsiffs, who are invested with powers under the Provincial Small Cause Courts Act and it is the judges who sit on the civil side in regular suits that are also exercising small cause powers. The question involved in this Bill is whether such officers should be entrusted with the powers of attaching immoveable property before judgment. Now Sir, side by side with this Bill there are also proposals to raise the pecuniary jurisdiction of Subordinate Judges and District Munsiffs in the matter of exercising jurisdiction under the Provincial Small Cause Courts Act. The original jurisdiction was the low figure of Rs. 50. Then it was raised to Rs. 100; then to Rs. 200 in the case of District Munsiffs and Rs. 500 in the case of Subordinate Judges. Now there are proposals to raise the pecuniary jurisdiction to Rs. 1,000 and even more. Now, as we go on raising the pecuniary jurisdiction under the small cause powers we are taking away suits in which the creditors would be entitled to recover their amounts under ordinary circumstances if they brought regular suits under the existing procedure. If instead of that creditors who are in a position to realize their amounts by attaching immoveable property either before or after judgment are prevented from doing so for the simple reason that the pecuniary jurisdiction of the small cause side is increased, then, Sir, a great hardship ensues. For instance, a plaintiff who can file a suit for Rs. 800 normally can attach before judgment the immoveable property of the defendant in cases in which the defendant has threatened to remove the property beyond the reach of the decree holder so as to prevent him from carrying out the decree. The Courts exercise their discretion; they take all the necessary precautions before granting such orders. Now what would be the effect hereafter if we introduced measures by which we raised the jurisdiction to Rs. 1,000 or 2,000? Then some persons who are entitled to the protection by way of attaching immoveable property will now be debarred from doing so? Therefore, Sir, it is a matter for serious consideration when you have got also those proposals side by side with this, whether you cannot even postpone the introduction of this Bill till after we have decided that question. Secondly, I would also agree as an alternative with my friend, Khan Bahadur Sarfaraz Hussain Khan, in saying that it may be referred to a Select Committee so that the Select Committee may, at least say how far the power of attachment before judgment of immoveable

property may be limited—whether it may be to all cases or cases exceeding a particular amount; I mean a certain limit may be fixed by the Select Committee by which those who exercise small cause courts jurisdiction if they entertain suits above a particular pecuniary value, may be invested with jurisdiction for attachment of immoveable property under order 38. I do not very well see how the judge becomes small because he exercises small cause jurisdiction: the judge is competent to decide whether an attachment of immoveable property should be made or not. Why should not the same judge be trusted with the exercise of some discretion even when he exercises small cause powers? I hope, Sir, there is much room for considering this matter in Select Committee if once the House is agreed upon the principle of this Bill.

Syed Majid Baksh (Burdwan and Presidency Divisions: Muhammadan Rural). Sir, I cannot understand why so much difficulty has been raised with respect to a small Bill like this. Nor do I think that the very easy provisions that are made there should be referred to a Select Committee. The whole question centres round this: what is the law that exists at present about small cause courts' powers? At the present moment a Provincial Small Cause Court, as it exists, has no power to attach immoveable property after the decree is passed. If some of my friends do not want that, they should bring in an amending Bill and say that the Small Cause Courts have the power of attaching and selling immoveable property as much as they like. I can understand that, but why should a court which has not the power to attach immoveable property after the decree is passed be competent to attach immoveable property before a decree is passed—I mean should have the power of attachment before judgment? The Bill refers to an anomaly that has been raised by a decision of the Calcutta High Court. Everybody knows that a Small Cause Court has no power to attach immoveable property after a decree is passed. Now, in this decision the Calcutta High Court laid down that, since there is no barring provision in the Act itself to attach immoveable property before judgment, it has the power, and therefore it laid down that the Small Cause Court has the power to attach immoveable property before judgment. This Bill clears this most anomalous decision. A court that has no power to attach immoveable property after the decree is passed cannot attach immoveable property before it is passed. What special grace is there in that it can do a thing before a decree is passed which it cannot do after the decree is passed? It is a very simple thing, and the Bill seeks to remove this legal anomaly in the various decisions which have given rise to it. Sir, I do not think that there is much in this Bill to make people put their heads together and evolve something in the Select Committee, and I think that the Bill should be passed in this House.

Mr. K. Ahmed (Rajshai Division: Muhammadan Rural): Sir, this House requires some elucidation from the Government Benches as far as this Bill is concerned. The motion to refer it to a Select Committee has been raised because there were certain doubts which could not be cleared up by my Honourable friend, Mr. Tonkinson. He knows that the procedure in the Calcutta High Court is exactly opposite to that which has been laid down in this Bill to the effect that the Provincial Small Cause Courts should not have this power. He knows also that there is a Presidency Small Cause Court where the procedure is also different. Why? What is the

[Mr. K. Ahmed.]

reason? Several members have asked that the whole situation may be explained. I ask the Honourable Member to explain to us and give us the reasons that he has for moving for the consideration of this Bill by this House without reference to the Select Committee.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I have no desire to detain the House for more than a moment. This Bill is to resolve a doubt. You can resolve it one way or another. If you do not like the way in which we resolve it, you can vote against the motion for consideration of the Bill. If you do like the way in which we resolve it, you can vote for the motion for consideration of the Bill. There is nothing in the Bill whatever which requires a reference to a Select Committee and I entirely agree with the Honourable Member in the back bench over there (Syed Majid Baksh) who made the position very clear. I therefore think that the House might come to a decision by either accepting the Bill or throwing it out.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, as the Honourable the Home Member has said, the question before the House is a very simple one, namely, whether the Small Cause Court should have power to order attachment of immoveable property before judgment or not. (*Mr. K. Ahmed*: "Provincial Small Cause Courts.") Yes, Provincial Small Cause Courts. This Bill has been brought up because a doubt has been cast on the existing law by the Calcutta High Court that they have the power whereas the universal belief has been that they have no power. Nobody ever dreamt that the Small Cause Court has the power to order attachment of immoveable property, so that under the law as amended in 1908 some doubt has been created and that doubt is sought to be removed by this Bill. The whole question is this. Do we like that idea? Does this House relish the idea that Small Cause Courts should have power to order attachment of immoveable property? You know the consequences. (*An Honourable Member*: "Before or after judgment?") Whether it is before or after judgment I do not see any difference. It is immaterial. Questions of title at once arise. Claims to immoveable property are at once put forth and then those delicate questions have to be investigated. Is the procedure applicable to the Small Cause Court an apt procedure for considering such intricate questions? That is the short question before the House. Would you encourage Small Cause Courts to try intricate questions of title with the simple procedure that they have so that parties may get speedy relief? Would you apply that procedure to claims to immoveable property? Now, I do not think there can be any difference of opinion on that point. No lawyer who has any experience will relish the departure from the existing practice. We know how complicated titles to immoveable property are and how courts differ on that question. Would you introduce a complicated question into a Small Cause Court? Not that there is any reflection on the judges. It is the procedure which the judges have to adopt in the Small Cause Courts which stands against such questions being brought in. My Honourable friends who have spoken before me have referred to the question as if it is a privilege that you are taking away or conferring on the judges. The question has nothing whatever to do with that. It is a question purely of the procedure applicable. That procedure is not suitable to claims to immoveable property and that is why the Legislature has hitherto refrained from bringing attachment of immoveable property within the

jurisdiction of Small Cause Courts. Now, under the law as it stands, my Honourable friend Mr. Duraiswami Aiyangar has overlooked it. He thought that the question before the House was whether in execution of decrees of Small Cause Courts you can attach immoveable property. That is exempted already. There is no doubt about it. The only doubt is as to attachment before judgment and that doubt is sought to be removed. I do not think anything is going to be gained by reference to a Select Committee. It is a very short and simple question, and the House has to give its decision.

Mr. K. Rama Aiyangar (Madura and Raminad *cum* Tinnevely : Non-Muhammadian Rural). Sir, the only reason why I rise to speak on this question is just to clear the position. My Honourable friend Mr. Rangachariar said that the powers of the Small Cause Courts cannot be used in detail for the purpose of going into titles of immoveable property. But the real point of this change in the Statute that we seek to bring about is that we find after some experience that the jurisdiction of the Small Cause Courts might suitably be raised. On the other hand, the question of attachment of immoveable property depends upon the average worth of the property of the people of India. These are the questions which must weigh with us. The power to attach immoveable property before judgment will depend upon the extent to which the rights of parties will be affected when that right to attach immoveable property is taken away from the courts. (*An Honourable Member*: "It was never given") I am simply explaining the position, not that I want to alter your minds if formed. But Honourable Members must correctly understand what they are doing before they vote on this motion. What I wish to say is that we find that our Sub-Judges and Munsiffs are competent to deal summarily on the Small Cause Court side with suits which might involve more money than they do now. The question whether the court has a right to attach immoveable property to prevent creditors from losing whatever will be available stands on quite a different footing. So, in exercising your judgment on this motion that is now placed before you, the question that you will have to consider is not whether a Small Cause Court will not exercise a jurisdiction over higher amounts, satisfactorily but whether the citizens of India will be protected by the right to attach immoveable property which in the case of small holdings, when the jurisdiction of the court is increased to Rs. 1,000, may actually endanger the right of so many persons. The real question before the House is whether it would be safe to allow this attachment before judgment of courts when they get higher powers over the money suits. The object of the present Bill is practically to take away the right which has been declared to exist in the Small Cause Courts. You have got to consider whether it is better to continue that right which has been declared to exist by the Calcutta High Court when you put it on the Statute-book like that, especially when you raise the jurisdiction from Rs. 100 to Rs. 200 or from Rs. 500 to Rs. 1,000, or whether it is safe in the circumstances of the country to take away that right altogether. The question raised by Diwan Bahadur T. Rangachariar does not arise because once the attachment is allowed, the disposal of the property is prohibited and the parties are safe. But if you take away that jurisdiction till the Small Cause Court judgment ripens into a decree and till it is transferred to an original side and attachment is proceeded with, the parties are free to dispose of the little property that they may have. When you raise the jurisdiction from Rs. 500 to Rs. 1,000, you endanger the rights of the parties and that is the question upon which I want you to exercise your minds. I maintain that the matter is an important one and therefore it ought not to be disposed of in the way

[Mr. K. Rama Aiyangar.]

in which it has been treated. The question is whether in view of the qualification of immoveable property owners it is safe to take away this right from the Small Cause Courts which will enable the parties to dispose of their immoveable property until transferred to the original side. Therefore I maintain that it is a matter of importance and I do want the Members to exercise their minds.

(Several Honourable Members moved that the question be put.)

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. H. Tonkinson: Sir, I do not desire to make any further remarks.

Mr. President: The original question was:

"That the Bill to resolve certain doubts as to the powers, in regard to the attachment of immoveable property, of Provincial Small Cause Courts, be taken into consideration."

Since which the following amendment has been moved:

"That the Bill be referred to a Select Committee."

The question is that that amendment be made.

The motion was negatived.

Mr. President: The question then is:

"That the Bill to resolve certain doubts as to the powers, in regard to the attachment of immoveable property, of Provincial Small Cause Courts, be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. H. Tonkinson: Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN LUNACY (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, I move:

"That the Bill further to amend the Indian Lunacy Act, 1912, be taken into consideration."

The reasons for this Bill are stated in the Statement of Objects and Reasons. We desire to remove an administrative difficulty in the working of the Indian Lunacy Act which arises from certain provisions of the Act. The proposal is made on a suggestion of a leading alienist in India, and it has the support of all the Ministers in India. It is made following a provision in the English Lunacy Act. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President: The question is :

"That clause 3 do stand part of the Bill."

Khan Bahadur Sarfaraz Hussain Khan: Sir, I move the amendment :

"That in clause 3 in sub-section (2) of the proposed section 11-A for the words 'from the sending of the notice' the words 'from the date of the receipt of the notice' be substituted and consequential amendments made wherever necessary."

I think, Sir, that it will be safe if we take the date from the date of the receipt of the notice. It is common experience that somehow or other people try to see that the notice is not received by the man. It is to avoid this contingency that I have moved my amendment. It is a very simple matter. The date must not be calculated from the time when the notice is sent. I wish to make this small change.

Mr. H. Tonkinson: Sir, in regard to the recommendation contained in the amendment which my Honourable friend has just moved I would invite attention to the fact that we are not dealing with such a question as, say, the *ex-parte* disposal of a civil suit when you must prove that notice has been served. In this case a reception order has been made and the magistrate after full inquiry has decided that the person in question is a lunatic and that it is desirable that he should be detained in a lunatic asylum. The purpose of the present clause is to enable a substitute to be appointed for the person in whose name a reception order has been issued. For such a purpose I submit there is no necessity to secure that the notice is received. We provide definitely, for example, in sub-clause (2) that notice shall be sent, and in sub-clause (6) also that "any notice under sub-section (2) may be sent by post to the last known address of the person for whom it is intended." I submit it is entirely unnecessary to make the amendment which has been moved by my Honourable friend.

The motion was negatived.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. H. Tonkinson: Sir, I move that the Bill be passed.

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

THE INDIAN TRADE UNIONS BILL—contd.

Mr. President: The House will now resume consideration of clause 18 of the Trade Unions Bill. The question is :

"That clause 18 do stand part of the Bill."

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, as a result of the discussion which took place on the floor of this House last Wednesday on a point of law connected with clause 18 (2)

[Sir Bhupendra Nath Mitra.]

of the Bill, we met the leaders of the parties opposite on Saturday last, and a formula of words was drawn up which, it was understood, would meet the point of law. I accordingly gave notice of certain amendments. These amendments which have been circulated were as follows :

"For the words 'no suit or other legal proceeding shall be maintainable in any civil court against a registered Trade Union in respect of any act done in contemplation or furtherance of a trade dispute by any person acting on behalf of the Trade Union', the following words shall be substituted, namely :

'A registered Trade Union shall not be liable in any suit or other legal proceeding in any civil court in respect of any act done in contemplation or furtherance of a trade dispute by an agent of the Trade Union.'

And, to the sub clause, the following proviso shall be added, namely :

'Provided that nothing in this sub-section shall affect the provisions of the Indian Contract Act, 1872 ' "

The matter, Sir, was later on further considered by us, and we came to the conclusion that the amendments as drafted would not be suitable, and that as a matter of fact the proviso would defeat the object of that particular sub-clause. The amendment which I accordingly now propose to move with your permission, Sir, is as follows :

"For the words 'no suit or other legal proceeding shall be maintainable in any civil court against a registered Trade Union in respect of any act done in contemplation or furtherance of a trade dispute by any person acting on behalf of the Trade Union', the following words shall be substituted, namely :

'A registered Trade Union shall not be liable in any suit or other legal proceeding in any civil court in respect of any tortious act done in contemplation or furtherance of a trade dispute by an agent of the Trade Union.' "

I do not now propose to move the proviso which appears in the notice paper

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhamadan Rural) : May I know, Sir, if we can have copies of this amendment, so that we might follow the discussion?

Mr. L. Graham (Secretary, Legislative Department) : Copies have been laid on the table, with the single exception that in the amendment between the words " any " and " act " the word " tortious " should be inserted

Mr N. M. Joshi (Nominated Labour Interests) : Sir, when we were discussing this question the other day, we were discussing my amendment to sub-clause (2) of clause 18. The Honourable Member has now proposed another clause altogether. It therefore necessitates a change of plan also on my part. I therefore do not move the amendment which I had moved at that time to the clause proposed by the Honourable Member; but I propose an amendment

Mr. President : The Honourable Member must first withdraw his amendment.

Mr. N. M. Joshi : Sir, I withdraw my first amendment.

Mr. L. Graham : May I know, Sir, which amendment Mr. Joshi is withdrawing? .

Mr. N. M. Joshi : I am withdrawing amendment No. 44.

Mr. President: The question is that leave be given to Mr. Joshi to withdraw his amendment.

The motion was adopted.

The amendment was, by leave of the Assembly, withdrawn.

Mr. N. M. Joshi: Sir, I move my amendment No. 45

The Honourable Sir Bhupendra Nath Mitra: Sir, may I make a suggestion. I have already moved an amendment to sub-clause (2) of clause 19. In that sub-clause I have deliberately retained the words which are covered by Mr. Joshi's amendment No. 45. He will therefore have an opportunity to move his amendment No. 45 after the House has come to a decision in regard to the amendment I have just moved.

Mr. N. M. Joshi: Sir, if your ruling is that I shall still have the right to move my amendment No. 45, then I shall have no objection to the course proposed by the Honourable Member.

Mr. President: It is a very difficult position for the Chair, but what the Chair would suggest is this. The Honourable Member from Bombay might move his amendment, and both will be put to the vote and the decision of the House can be taken.

The Honourable Sir Bhupendra Nath Mitra: All I suggest is that, to clarify the issues, my amendment might be put first as it deals with certain words in sub-clause (2) of clause 18 which are not in any way affected by Mr. Joshi's amendment No. 45. That amendment refers to certain other words in sub-clause (2) of clause 18. My suggestion is merely intended to clarify the issues, and therefore I would again suggest that my amendment may be taken first and then we may proceed to discuss Mr. Joshi's amendment No. 45.

Mr. Chaman Lall (West Punjab Non-Muhammadan): May I ask the Honourable Member to make the position quite clear, because, as far as I understand his amendment, it means that

Mr. President: The House is not discussing the Honourable Sir Bhupendra Nath Mitra's amendment. The question before the House is whether Mr. Joshi should move his amendment now or after the amendment of the Honourable Sir Bhupendra Nath Mitra is disposed of.

Mr. Chaman Lall: If the amendment moved by the Honourable Sir Bhupendra Nath Mitra is disposed of, then it will include the words which Mr. Joshi wants to omit. If the Honourable Member limits

The Honourable Sir Bhupendra Nath Mitra: If he will kindly read my amendment, the Honourable Member will see that for the words from "no suit or other legal proceeding" down to "on behalf of the Trade Union" certain other words are proposed to be substituted. Mr. Joshi's amendment No. 45 does not touch those words.

Mr. President: That being so, the amendment of the Honourable Sir Bhupendra Nath Mitra should be taken up for discussion and disposed of before the Chair permits Mr. Joshi to move his amendment.

Mr. N. M. Joshi: Sir, I do not propose to oppose this amendment. But I want to say one thing, and that is, that Government by their amendment have taken away a great part of the immunity which the original clause had intended to give.

Mr. L. Graham: Which immunity?

Mr. N. M. Joshi: I am asked which immunity they are taking away. I will draw their attention to the word "tortious". I understand that there are three pronunciations for the word. Now, Sir, that word is newly introduced and brings into that clause a new idea which never existed in the clause as it stood. The clause as it stood, as proposed by the Government and as passed by the Select Committee, did not include the words "tortious acts". Now Government come forward to take away some rights which they had proposed to give to the Trade Unions. But, Sir, the question is a difficult question. Personally I do not understand law very much. I therefore do not propose to go into this question, but will allow it to be fought out by the lawyers in this House.

Mr. Chaman Lall: I just want to ask one question of the Honourable Member. What does he exactly mean by inserting the word "tortious"? What is the significance of inserting that particular word? I would like to be absolutely clear on that point.

The Honourable Mr. S. R. Das (Law Member): May I explain on behalf of the Honourable Member (the Honourable Sir Bhupendra Nath Mitra)? Sir, the intention is simply this. But for that word a Trade Union may be held to be not liable if an agent, for instance, on behalf of the Trade Union borrowed money. That is to say, if the agent contracted liabilities upon a contract, they might not be liable unless the immunity given by that section is restricted to tortious acts. As the Honourable Member will notice, originally the idea was to propose a second amendment excluding from the immunity contracts, but as the Honourable Member in charge of the Bill has explained, it is not intended to move that second amendment, because that second amendment, as it is worded here, might be in some matters contradictory to the first part. It is for that reason—in order to make it quite clear that this immunity is only with regard to tortious acts and not acts arising out of contracts—that the word "tortious" has been put in.

Mr. President: The question is:

"That in sub-clause (2) of clause 18 for the words:

'No suit or other legal proceeding shall be maintainable in any Civil Court against a registered Trade Union in respect of any act done in contemplation or furtherance of a trade dispute by any person acting on behalf of the Trade Union.'

The following words shall be substituted, namely:

'A registered Trade Union shall not be liable in any suit or other legal proceeding in any civil court in respect of any tortious act done in contemplation or furtherance of a trade dispute by an agent of the Trade Union.'

The motion was adopted.

Mr. N. M. Joshi: Sir, I move the following amendment to the clause as amended by the amendment moved by the Honourable Member for Industries and Labour. My amendment is this:

"In sub-clause (2) of clause 18 the words 'and that the executive has repudiated such act at the earliest opportunity and by all reasonable means and with reasonable publicity' be omitted."

Sir, this amended clause gives a certain immunity to Trade Unions from the consequences of the tortious acts of its officers, if the Union proves that it had no knowledge and the act was done

The Honourable Sir Alexander Muddiman (Home Member): "Or"; there are two defences.

Mr. N. M. Joshi: Or the act was done contrary to the express instructions of the executive of the Union. But, Sir, the clause goes still further. It also requires the Trade Union to prove that that tortious act was repudiated by the executive of the Trade Union. Not only must it be repudiated but the Trade Union must give reasonable publicity to its act of repudiation. I feel, Sir, that this is too heavy a burden to be placed on the Trade Unions. If you want to give immunity to Trade Unions do it in a generous way. The immunity which you are giving is not a very great immunity. The English law gives a much greater immunity than what you are proposing; but when you propose a certain immunity you also put down certain restrictions which will reduce the value of that immunity. I therefore think that it should be quite sufficient that the Union should prove that the act was done without its knowledge or that it was done against the express instructions of the executive of that Union. I know when one of the previous amendments was being discussed Mr. Sidney Webb was quoted as having favoured the proposals of the Government of India. Sir, I have some respect for Mr. Sidney Webb, there is no doubt about it, but you must remember that he is an individual, though belonging to the Labour Party it is true; but after all he is one individual and he has given his individual opinion. We are not bound to approve of it or support it. Moreover, if you quote Mr. Sidney Webb against me, why don't you quote the whole lot of the Labour Party who supported the English legislation. Suppose I do not accept the view of Mr. Sidney Webb, I am not committing a great crime in that. I will ask the Government of India one question. It is true that I repudiate Mr. Sidney Webb's opinion in this way. Do they stand by the opinion of the present chief of the Government of India? What I want to ask the Government of India is this: Do they accept the view expressed in 1906 by the present head of the Government of India? The English legislation was passed in the year 1906 not by an irresponsible Legislature like this Legislature, but by the responsible English Parliament. It was passed by the responsible Liberal Party, headed by Sir Henry Campbell Bannerman. Mr. Asquith was a Member of that Party, Lord Morley was a member; the present head of the Government of India was a prominent member of that Parliament and of that Party and he took a prominent part in the discussion on that Bill. He supported the English Trade Union Bill in 1906 and you do not stand by him now, but you expect me to stand by Mr. Sidney Webb: You are repudiating your present chief and you are repudiating what he supported in 1906. So, it is not possible for you to quote Mr. Sidney Webb's words to me and the House is not likely to attach any importance to that as long as it knows that you do not stand by the view taken by the present head of the Government of India in the year 1906.

There is one more point. During the discussion on the Trade Union Bill the whole trend of opinion expressed on the other side was that the Unions must be protected against the mischief of the outsiders who guide

[Mr. N. M. Joshi.]

the Trade Unions. It was said that these people are very clever, that they sometimes mislead the Trade Unions and it was thought that the Trade Unions should be protected against the mischief of their officers. Now, what do I ask? I ask for protection for the Trade Unions against the consequences of the mischief of their officers and you refuse to give them that protection. You refuse to protect Trade Unions against the mischiefs of their officers. (*An Honourable Member*: "No.") I want the Trade Union funds to be protected against the consequences of the actions of the officers of the Trade Unions. You refuse that protection. I stand for the protection of the Trade Unions and you are refusing it. I want the Trade Union funds to be protected against the consequences of the acts of their officers and, if you support my amendment, you certainly protect the funds of the Trade Unions. If you vote against my amendment, you want the Trade Union funds to be squandered in litigation over the acts of the officers of the Trade Unions.

Mr. W. S. J. Willson (*Associated Chambers of Commerce: Nominated Non-Official*): On a point of order, Sir. Is not the Honourable Member's amendment entirely on the question of repudiation or otherwise of an act? Is he entitled to go into the whole question of this clause?

Mr. President: The Honourable Member must confine himself to the amendment before the House.

Mr. N. M. Joshi: I want additional protection to be given.

Mr. President: The Honourable Member cannot raise the general question of protection.

Mr. N. M. Joshi: I am not raising the general question of protection. I am explaining why additional protection should be given to the Trade Unions in the matter of safeguarding their funds against the consequences of the acts of their officers. Moreover, Sir, it was also said that the outsiders are there and generally pleaders are the officers of these Trade Unions. I know that there are pleaders as officers of the Unions and if pleaders and well-to-do people are officers of the Trade Unions you have a remedy against the wrongful acts of those officers.

Mr. W. S. J. Willson: What have you got to do with repudiation?

Mr. N. M. Joshi: If you will listen to me patiently you will know. I want to give additional protection to the Trade Union and I am making out a case why that additional protection is necessary. The protection which you will give is not sufficient. The man who has suffered from the tortious act can get compensation if the Trade Union officers are pleaders and highly placed men. The House must protect the Trade Union against the mischievous acts of its officers.

Now, Sir, my amendment is that you should not ask the Trade Union to repudiate the acts of its officers. My reason is this. It should be quite sufficient if a Trade Union says that the act was done by the officer without its knowledge. It is not right to expect any employer to repudiate any act of his servants. Last time, Sir, I asked whether the Government of India every time repudiate the mistakes made by their officers. I do not very often see these repudiations. I know that mistakes are made by these officers several times but the repudiation does not come very often. The repudiation can only be obtained by very large agitation. Human nature

is the same. A Union may find that its officer has made a mistake but may not like to repudiate every wrong act the officer does. It is therefore not right to expect the Trade Union to repudiate every little mistake which its officer may make. Moreover, the Trade Union may not know that the act was done and after two or three months, if you file a suit, they may know that the act was done and they may repudiate it, but the repudiation may be said to be too late. You may say that you now repudiate it because the suit is filed and that the repudiation will not carry much weight. Moreover, there are other difficulties. The court may presume knowledge from certain circumstances. You yourself have now agreed that the present Trade Union consists of members who are not educated. Suppose one of their officers commits some act and that act is published in some paper which they do not read. Generally the working class people do not read newspapers. The judge may presume that members of the Trade Union knew what the officer had done. As a matter of fact they may not know and if they do not know, how do you expect them to repudiate it. I therefore think that by asking them to repudiate every mistake of their officers you are expecting too much of these people and throwing a very great burden on them. The clause does not stop there. It expects that the act of repudiation should be published in a reasonable manner. I do not know what "a reasonable manner" is, but, as I said, the court may hold that the repudiation ought to have been published in some papers. The papers may publish the act if it is a sensational one. If it is not a sensational one, the papers may publish after payment. You will be putting these Trade Unions to some financial loss also and I think it is going beyond human nature to expect any body of men to repudiate the small mistakes of its officers, not only to repudiate them but to publish that repudiation broadcast. I think that the burden placed upon the Trade Unions is very great and the immunity on account of the inclusion of these words is practically reduced to no immunity. I therefore hope that this House will accept my amendment.

The Honourable Sir Alexander Muddiman: Sir, if I intervene in this debate it is not because I am so immediately concerned as my Honourable friend who is in charge of the Bill. I have listened to the debate with great interest because it does raise an exceedingly difficult point, a point much agitated in England and elsewhere. We have now got somewhere near the real kernel of the debate. It is to what extent, if any, should Trade Unions be exempted from the tortious acts of their agents. I lay considerable emphasis on the word "tortious". We are not dealing with contract at all. *Ex hypothesi* we are dealing with tortious acts. In England as Mr. Joshi has pointed out, and, as he very reasonably contends from his point of view, a Trade Union rightly or wrongly, in my opinion quite wrongly, is exempted from the consequences of its tortious acts. And I am quite sure that this House, composed as it is of men who are not entirely trade union propagandists, will have some regard to the rights of the third party. After all what are you going to do? It is not merely the Trade Union you have to look at, or even the trade union agent; you have to think of the man who has suffered the wrong. And in your desire, your earnest desire, to promote the interest of the Trade Unions you must not entirely neglect the third party. If the agent is a rich pleader or zemindar, well-and good; but in my experience rich pleaders or zemindars very rarely undertake the duties of agents to Trade Unions. Where indeed you have a rich pleader or zemindar as the agent, that may be all right. But this is a question which comes up

[Sir Alexander Muddiman.]

in all cases concerning dealings with agents of principals. If you have a good fat agent there is no need to bother about the principal. But you have to consider the ordinary case, where a man has to see whether his remedy is secure, and, if the agent is not worth going for, he will be left entirely without a remedy unless you give him a remedy against the principal. Now this Bill does not go so far as the English Act, and I understand from the Honourable Member in charge of it that it is not the intention of the Government to go so far as that. But they do go a very long way. They say that if the Trade Union can prove that their agent acted without the knowledge of the Trade Union, or in the alternative against the express instructions of the Trade Union, and repudiation follows, then in that event the Union will have two extra defences. Well, that is a great deal. Now, my Honourable friend here will doubtless be able to put the legal point more clearly than I can, but let me put a practical point to the House. An agent of a Trade Union issues a libel. It is not within the scope of his instructions. He has been told to get out a pamphlet putting the case for the workers. In the course of that pamphlet he has in fact put up a libel. Well, it would be quite reasonable for the Trade Union in defence to say, "We do not approve of this; we do not ratify this and we have done what every honest man would do; we have come forward at the earliest opportunity and with reasonable publicity and we have said we disavow this libel." But under the law, as Mr. Joshi would have it, there would be no repudiation necessary. It would be sufficient to prove that it was without their knowledge, and during the whole time that the libel continued they would be enjoying the benefit from it, and without repudiation they would still have a perfectly good defence in law. Now, I ask the House, is that reasonable? That you would have difficulty in establishing the fact that it was without your knowledge, I agree. But why should you object to repudiation. It would be the right thing, for the Trade Union, mind you, is being given a defence which is not available to you or to me—I cannot go to court and plead that it was done without my knowledge and repudiate. We are giving the Trade Union a special defence, and I submit that in both these cases there is a very good reason why we should retain this repudiation clause. I go further. I say that the members of the Trades Unions themselves should find it at a very considerable advantage if, as I believe and trust, Trades Unions are really going to form an important part of the future industrial community of this country, it is more important not that they should steal, if I may say so, every advantage that the law gave them, but that they should establish a reputation for straightforwardness, for straight dealing, and the fact that they will be required to repudiate doubtful acts is to my mind not less to the advantage of the Trade Unions than it is to the advantage of the State as a whole. I, therefore, hope that my Honourable friend will see his way to withdraw his amendment.

Mr. Chaman Lal: I think, Sir, the Honourable the Home Member has not really grasped the significance of the liability that is imposed on Trade Unions. The real reason for granting complete immunity to Trades Unions is not this that there are third parties to be considered; the real reason is this, that a Trade Union, comprising as it does sometimes hundreds, sometimes thousands of people, have a certain responsibility to them, and it is obvious and just and equitable that the rights and liabilities of these members, thousands of them, who have no immediate concern in any particular trade dispute, should not be jeopardised; and it is on

that basis that the English law was brought in in order to give Trade Unions that immunity from civil liability which we are claiming for Indian Trade Unions. That was the real reason, that if a particular Trade Union through its agent injures a third party, that Trade Union should be in a position to protect the interests of thousands of unknown persons who happened to be members of the Trade Union but who had no voice in the commission of the particular injury. That was the real basis for this immunity

Now, let me deal with the point raised by my Honourable friend, Mr. Willson, at once. What is demanded by this amendment is merely this that the words, "and that the executive has repudiated such act at the earliest opportunity and by all reasonable means and with reasonable publicity", be deleted. By adhering to these words you are giving Trade Unions not an additional defence at all. You are imposing an additional burden upon Trade Unions. You are being asked to exempt Trade Unions from civil liability, from tortious liability, provided that the Trade Union was not aware of the injury, had no knowledge of it or that its agent acted contrary to the express instructions of the Trade Union. And then you add a proviso. That proviso covers both these points of immunity which you grant to Trade Unions. The proviso asks a Trade Union to give complete publicity at the earliest opportunity in the most reasonable manner to its repudiation of acts of injury. Now under these circumstances, you are really placing an additional burden upon a Trade Union. Why should a Trade Union go out of its way to give publicity to its denial when the immunity that you are giving to the Trade Union is obvious? You are granting a certain immunity to Trade Unions, that immunity being that the person acting in a tortious manner did not act with the express instructions of the Trade Union or to the knowledge of the Trade Union. That is sufficient in itself. Why should you go on to state further that even in spite of the fact that the agent did not act with the knowledge of the Trade Union or under the express instructions of the Trade Union, nevertheless if the Trade Union does not publicly, openly, at the earliest opportunity repudiate that act, that Trade Union will be liable? I cannot under any circumstances read into this obligation to give publicity to denials an immunity granted to Trade Unions; I can only read an additional burden placed upon Trade Unions. We are asking you to follow the English principle of immunity from liability, and we are quite prepared to accept even the present limited principle of immunity that you are granting to Trade Unions in India. Indeed the principle of liability is a very simple matter. Under the English law there are three principal chains of thought that you can follow in the history of the principle of liability. You have the earliest principle, namely, that a man was liable for all his acts but that he was not liable for the acts of his servant. That was changed later on, in about the 17th century, when it was held that a man would be liable for the act even of his servant or of his agent, provided he had given express authority to that agent. And later on even that was changed. The express authority was changed into express authority or implied authority, the doctrine being derived from the Roman principle of quasi-delict and the decisions of the English Admiralty Courts. In modern times you find the new principle of employer's liability. All these changes that have taken place in the English law amount to this that the principle of liability remains throughout. A man is liable even for the acts of his agents or of his servants except in so far

[Mr. Chaman Lall.]

as he is not liable under the Master and Servant Act. But the point to note is this. In the case of Trade Unions special immunity has been created and the reason for the creation of special immunity is what I have stated in the opening remarks of my speech, namely, the interests of thousands of unknown persons who have no direct or indirect voice in the commission of a tort. In order to protect them special immunity is given to a Trade Union, placing it above the law in the matter of tortious liability. Now, what objection can there be, I ask, to accepting this amendment for the deletion of the obligation to give publicity to a denial of the Trade Union's liability? I have not the least doubt that we were all impressed by the speech made by the Honourable the Home Member, but I have not the slightest doubt that he too will realise that in saddling upon the back of Trade Unions these conditions, which are contained in the words which are sought to be omitted by Mr. Joshi's amendment, we will be making it very much more difficult for Trade Unions to claim immunity which you honestly and sincerely intend to grant to them. What objection can there be? Are you so enamoured of the fact that there must be publicity? Why should a Trade Union go and repudiate the act openly? If you think that under the principles of law Trade Unions ought to be immune for certain things, can the principles of law be furthered merely by the fact that a Trade Union goes and publicly disavows the acts of its agents? In what particular manner are you advancing the principles of law by merely imposing this condition upon a Trade Union? I cannot for the life of me see that any particular principles of law can be advanced by the insertion of the words which Mr. Joshi desires to delete. Look at the wording of this amendment: "and by all reasonable means and with reasonable publicity". The vagueness of those terms mean that you are really trying to make the general position very difficult for a Trade Union. Here are two distinct propositions which you have laid down in clause 18 (2). Those propositions are clear. To those two clear conditions, you are now adding a clause or a series of sentences which have no meaning at all. Which court of law is going to find out for you and lay down as a definite principle of law what is "reasonable means" or what is "reasonable publicity"? Which Court of law is going to adjudicate upon that? You are leaving that entirely vague. Will the courts be satisfied if a Trade Union goes and publishes an obscure paragraph of denial in an obscure weekly? Will that be considered reasonable publicity, or will the affairs of the Union, the financial affairs, have to be gone into to consider whether it has adopted reasonable means in giving reasonable publicity in accordance with its financial capacity to give wide or narrow publicity? Nothing could be more irregular in my opinion than a condition in these words added on to these two clauses. I myself am not at all prepared to accept the restrictions on immunity from civil liability which you are placing upon Trade Unions in India. I do not agree with that. I believe in the English principle and I stand by it. But nevertheless, if you are not willing to grant us the amount of civil immunity granted to Trade Unions in Great Britain, we ask you at least to omit these words which govern each of the two conditions that you have laid down of immunity applying to Trade Unions. You will gain nothing by your insistence. On the contrary you will add to the volume of litigation. A great deal of unnecessary trouble and bother will be created for Trade Unions throughout

India if you add those words which Mr. Joshi is attempting to omit. No reason or argument has been advanced to meet our arguments. We cannot agree to the inclusion of these words and I will certainly vote against the retention of these words in this clause. Under the circumstances, since it is not only a novel clause to add, since it will be imposing an extra burden, since the vagueness of these words is such that nothing material will be gained by the addition of these words to this clause, I would ask Honourable Members opposite to agree to the deletion of these three sentences.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, this discussion has made me reflect about this clause. It appears to me that the clause as it stands requires repudiation even where the act has been done contrary to the express instructions of the Trade Union. I do not know whether it is the intention of the Honourable Member for Government that there should be repudiation where an act has been done contrary to express instructions already given. I can understand requiring repudiation where an act has been done without instructions or knowledge, and after coming to know about it you repudiate it. You have repudiated beforehand. When a thing is done contrary to express instructions I do not see the point of insisting upon repudiating it again. It seems to me not quite sensible to insist upon such a clause.

The second difficulty which I feel in regard to this clause is that the repudiation should be at the earliest opportunity and by *all* reasonable means. I do not know whether it is necessary to insist upon retention of the word "all" there. Supposing there were four reasonable means of repudiation and the Trade Union adopted three of them and did not adopt the fourth. When we are giving immunity to Trade Unions let us not take away what we are giving by these vague expressions. Reasonable means are enough. To go on to provide for all reasonable means makes it very difficult for Trade Unions to substantiate their defence.

Again what is meant by "reasonable publicity". That is a matter for the courts to decide in each case. I am rather apprehensive about the language of this clause and it may lead to great difficulties. Trade Unions will rarely benefit by the immunity which you propose to give; in fact immunity will be destroyed by this clause, and I do ask Government to reconsider this position. I do not think you should insist upon repudiation where an act has already been expressly prohibited. Secondly, the word "all" should be omitted from the clause.

Mr. L. Graham: Does the Honourable Member move an amendment?

Diwan Bahadur T. Rangachariar: I will if the Chair permits me.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): I object to any amendment being moved where notice has not been given.

Mr. President: The Chair will not allow any further amendment to be moved at this stage unless it is satisfied that the House as a whole wants it.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan): Sir, I want to put in just a word from what I would call the common sense point of view. There are just two difficulties for me. The Trade Union is asked, if it is to get any immunity, to repudiate something of

[Mr. M. K. Acharya.]

which it has no knowledge. If something was done by my agent of which I was ignorant, how could I repudiate it? There is nothing said as to when this repudiation is to take place, except "at the earliest opportunity". My agent goes and does something; I know nothing about it. How then am I to repudiate it so that the third party is protected? Suppose some days after I come to know about it I express my regret. How is that going to help the third party? The act has already taken place, it has been committed and I come to know about it days after. I do not understand why sometime later I must repudiate something done without my knowledge. The aggrieved party may probably go to court and take action under the Tortious Act without waiting to see whether there has been any repudiation or not. Supposing such action is taken before the Trade Union came to know about it. How is the Trade Union to prove that it did not know about it? How is non-knowledge to be proved? How can I prove I never knew about the tortious act done by my agent? How can I repudiate an action of which I know nothing? It will be long after the act that I shall come to know about it, and therefore this clause appears to me to be very difficult for the Trade Unions. The words "against its express instructions" should be quite enough. Therefore, as my Honourable friend Mr. Rangachariar has already pointed out, all these fine words "reasonable means", "earliest opportunity" only afford pleas for the lawyers to argue about. They do not help Trade Unions. And, as the opposite side is willing to give as much immunity as possible, I also urge that these words be removed, as my friend Mr. Joshi wants them to be removed.

The Honourable Mr. S. R. Das: Sir, I just want to say a few words to show why the Government think these words are necessary. I may mention, so far as I am personally concerned, that at one time I thought there was a good deal in the objections which have been taken to the inclusion of these words, but I will try and give you concrete reasons, a concrete example why these words are necessary, and what the effect would be in a certain class of cases if these words were deleted. The Honourable Mr. Rangachariar wants to know whether it was really the intention, when there was express instruction to the contrary, that repudiation is still required. I am going to give an illustration where that is particularly the case. Supposing an agent is appointed by a Trade Union and is given express instructions that he is not to borrow money. I am taking a very simple case, not a case of dishonesty. (*Some Honourable Members:* "That is not a tortious act.") Pardon me, if you will only have a little patience. Supposing that the agent finds it necessary to borrow money and he goes to a bank and says falsely, "I have got the authority of the Trade Union as agent to borrow money." That as my friends will admit is misrepresentation. (*An Honourable Member:* "Will that not be a criminal offence?") And on that false representation he borrows that money and utilises it to pay the workmen or to pay strikers. There undoubtedly he borrows money by a tortious act and the Trade Union has benefited by that, because it has been utilised for the purpose of a trade dispute. Now look at the clause as it stands without the last amendment. Without those words which the Honourable Mr. Joshi seeks to delete, it would read :

"A registered Trade Union shall not be liable in any suit or other legal proceeding in any civil court in respect of any tortious act done in contemplation or furtherance of a trade dispute by an agent of the Trade Union, if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the Trade Union."

Now, assume for a moment that the words stood at that. The Trade Union has benefited by the money which has been borrowed by the agent, by the misrepresentation of the agent. If the clause stood there then the Trade Union could not be sued; they would not be liable for the tortious act of their agent. But I feel certain that no Member of the House would desire that in such a case the Trade Union should not repay the loan to the banker; but, if the clause stood without the words which the Honourable Mr. Joshi desires to delete, it would be open to the Trade Union, if it chooses, to repudiate the liability. On the other hand, the effect of including those words would be that they will have to repudiate the act; and Honourable Members will kindly bear in mind that a repudiation in such a case would be no repudiation, of course, if they merely published in the papers that this act was done without the authority or against the express instructions of the executive or without the knowledge of the Trade Union. Repudiation there would have to be by return of the money; a mere verbal repudiation would not be sufficient. I am only giving one illustration, but anybody looking at any book on the question of agencies will find there are numerous cases in which the principal has been held to be liable, so far as that principal has received some benefit from the tortious act of an agent, for the benefit which he has so received. I am giving you only one illustration. The Honourable the Home Member gave you another illustration with regard to a libel where you come to know of it, you get the benefit of the libel but you take no steps whatever to disavow the libel. It is because the Government feel that it would be rather dangerous to leave those words out that they have thought it right to insist on the inclusion of those words.

Now, a good deal of objection has been taken in regard to the words "reasonable means and reasonable publicity". I may say at once that there is a good deal in the objection taken by the Honourable Mr. Rangachariar and of course we do not insist on the words "all reasonable means". So far as "reasonable means" or "reasonable publicity" is concerned, you will find that the word "reasonable" is a legal term which has been used in the Contract Act over and over again. If it is doubted by any one I will give you one section; there are several. Section 212 says "The agent is always bound to act with reasonable diligence". There again that is a matter in which of course it is the Court that decides in a particular case whether the diligence exercised by the agent is reasonable or not. Similarly, here it is the Court which will have to decide whether the repudiation was by reasonable means and reasonable publicity having regard to the facts of that particular case. Therefore, I submit to the House that there is no objection at all to the word "reasonable". There may be objection to the words "all reasonable means", a technical objection which the Honourable Mr. Rangachariar has pointed out, and so far as the word "all" is concerned the Government will not insist on that word.

Mr. M. A. Jinnah: Sir, I have listened to the speech of the Honourable the Law Member with very great attention and I really regret that the Government do not see their way to accept Mr. Joshi's amendment. I will tell the House what I feel and what I think would be the consequences if this part of the clause is not dropped. The Honourable the Law Member gave an illustration to the House and I do not wish, Sir, to enter into legal arguments and to go deeply into the subject; but taking that very illustration that the Honourable the Law Member gave, I doubt that the Union would be obliged to return the money under this clause?

The Honourable Mr. S. R. Das: Undoubtedly; it would not be repudiation otherwise: it will be liable to be sued if it did not.

Mr. M. A. Jinnah: It is a misfortune, Sir, in this House that there is a direct contradiction on this side to the view of the other side. Now, let us see the words of the clause—if the Union has satisfied the court that it has repudiated the act. Repudiation of an act means that we had no knowledge, and that now that we have got the knowledge we say that that act was not authorised. That will be repudiation. The next repudiation is this: that if they gave express instructions to the contrary, they will say “We had given express instructions to the contrary, and we now take the earliest opportunity of saying so, and we say so by all reasonable means and with reasonable publicity.”

The Honourable Mr. S. R. Das: Surely that is repudiating such acts.

Mr. M. A. Jinnah: Yes; but repudiating such an act does not mean that they are bound to pay up the money. The doctrine of restoration is different and not covered here. I have yet to learn that it is provided for in this clause. Can the Honourable the Law Member cite a single instance or any authority, since he is so emphatic that repudiation means that you have also got to pay back and that unless you pay back the repudiation is not complete within the meaning of the clause? Where is the authority for it? Therefore I say the illustration that the Honourable the Law Member gave is a misleading one. Here under this clause the Union, I submit, will not be obliged to pay; the Union has only got to say “We repudiate it.” If that is the illustration, I say it does not help the Government at all, unless the Honourable the Law Member can satisfy the House that under this clause the Union will be obliged to pay back that money, I beg to differ from him.

But, Sir, apart from this legal quibble, I take my stand on a very different ground. My ground is this: I shall assume here that the illustration that the Honourable the Law Member has given is a sound one. I shall assume, for the purpose of my argument, that such a case is possible. On a particular possible but a rare case of that character, are you going to enact this clause, the consequences of which, I am going to submit to this House, will be very serious to perfectly innocent Unions? Now, under this, the Union has got to do three things; and if it fails to satisfy the court in any one of those three matters the Union will be held liable. The first thing they have to satisfy the court is this, that they repudiated such act at the earliest opportunity. Now, who is to decide what is the earliest opportunity?

Mr. W. S. J. Willson: When it is brought to your notice.

Mr. M. A. Jinnah: My Honourable friend says “When it is brought to your notice.” But supposing it is not repudiated within twenty-four hours, and it takes forty-eight hours; will that be the earliest opportunity? Supposing it is more than forty-eight hours, will that be the earliest opportunity? The plaintiff will say—You came to know this on the 1st of February: why did you not repudiate it on that very day? Why did you wait till the next day? Or why did you wait till the 8th February? Or why did you wait till the 4th February and so on? See the danger of it.

But suppose the Union is fortunate enough in satisfying the court that the repudiation, when it was made, was under all the circumstances of the case at the earliest opportunity, even that is not sufficient. It will have to go further and satisfy the court that it did so by all reasonable means. Now, Sir, what are those reasonable means? It is again for the court to go into all the evidence, to go into all the circumstances, and there will be a wrangle. There will be a dispute as to whether it was done by all reasonable means or not, and the Union will then have to satisfy the court that under the circumstances of that particular case they did by all reasonable means repudiate. But that is not enough. The plaintiff will say that it is not enough; you have to go further and show that it received reasonable publicity—not means only, but reasonable publicity. But what is reasonable publicity? Supposing a Union happens to be a poor Union and advertised it in only one or two small vernacular papers or in only one English paper. The plaintiff will say that it was not reasonable publicity, they should have advertised it in all the leading papers, both English and vernacular. Now, I ask this House whom do you want to catch under this clause? Let me tell you, Sir, that the Union that wants to do wrong and the Union that you want to catch will never be caught under this clause. It is the innocent, it is the poor Union, not very strong, which is not conducted by shrewd men, that will get into trouble under this clause. I am assuming now that the Honourable the Law Member is right, but from a practical point of view I say it will be very difficult. After all, that is not the only thing that we have got to consider in passing this measure. It will lead to a great deal of litigation. Of course, the Act can be amended later on if necessary. This is not going to be like the laws of the Medes and Persians, it is not going to be unalterable. The Act can be amended, if the Government can show that a certain amount of mischief or malpractice has been found in its working. And I can assure you that if you can satisfy us on this side of the House of that, so far as I am concerned, I shall be the first to support the Government and help them to amend the Act. I still request the Government, I appeal to them not to insist upon this clause. You have given two additional defences to the Union. Stop there and do not hedge them round again with the doctrine of repudiation.

There is only one more word I have to say. Now, I ask the Honourable the Law Member what happens in England?

Mr. N. M. Joshi: No case at all.

Mr. M. A. Jinnah: Yes, no case at all. Even if the Union gives an express authority to commit a tortious act, no action can lie. That is the English law. Therefore, if you wish to give, as you desire to give the Union two additional defences and you do not wish to give the Unions in this country the same right and immunity—if you really mean to compromise, let there be a fair compromise; let there be a reasonable compromise. I appeal to the Government once more not to ask for a division on this motion.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadian Urban): Sir, my learned friend Mr. Jinnah has gone into the question on the assumption that the proposition of law advanced by the Honourable the Law Member is a correct one—not that Mr. Jinnah admits it—because

[Pandit Motilal Nehru.]

he said in so many words that it was not a correct proposition of law. I do not wish to repeat any of the arguments of Mr. Jinnah, but I want to make one or two observations showing that the illustration which has been given by the Honourable the Law Member is a very weak illustration and that the principle of law which he deduces from it is not sound. In the first place, Sir, I have heard for the first time that a repudiation must always, or even in certain circumstances, be accompanied by the act of restoration. A repudiation in law is a repudiation by words either written or uttered or published. Let us examine this proposition. We are told that the Legislature is giving a special defence to Trade Unions which they would otherwise not have and that the special defence has to be hedged in by conditions which would avoid injury to third parties. The illustration is that an agent not authorised to borrow money induces a third party on false pretences to advance a loan to him saying that he has been authorised by the Union to borrow on its behalf. Some time after the Union comes to know that the agent has been misrepresenting it and borrowing money on false pretences. My friend says that it will not be enough in those circumstances, supposing the money has been used for the purpose of the Trade Union, for the Trade Union to say, "We never authorised this agent; we repudiate his act of borrowing money in our name and on our behalf." My friend says that that would not be a repudiation but that the declaration is to be accompanied by the actual return of the money. I would call the attention of the Honourable the Law Member to the case of an ordinary principal who is not a Trade Union. Can he contend that it is any part of the duty of an ordinary principal, who has not given an authority to the agent to borrow money, to either repudiate or to return the money when he comes to know that the money has been borrowed by the agent on false pretences?

The Honourable Mr. S. R. Das: I will give you any amount of authority that he has got to return the money. It was used for his benefit and he is liable.

Pandit Motilal Nehru: I do not know what authority the Honourable Member has in his mind.

Mr. M. A. Jinnah: He is liable but he has not got to repudiate. No question of repudiation arises in that case.

Pandit Motilal Nehru: My friend will take some time to find this wonderful authority . . .

The Honourable Mr. S. R. Das: I have got it here.

Pandit Motilal Nehru: But I have here the simple words of the Indian Contract Act, which must have been read by the Honourable the Law Member many times as they have been by me. I draw his attention to section 237, which says:

"When an agent has, without authority, done acts or incurred obligations to third persons on behalf of his principal, the principal is bound by such act or obligation if he has by his words or conduct induced such third persons to believe that such acts and obligations were within the scope of the agent's authority."

The Honourable Mr. S. R. Das: That is a different proposition altogether.

Pandit Motilal Nehru: I challenge my friend to show any authority either here or in England that, where the principal has not stood by and has not actively induced the belief in third persons that his agent has been acting for him, he would in any way be liable.

Mr. M. A. Jinnah: No question of repudiation arises there.

Pandit Motilal Nehru: Let me put another simple illustration to my Honourable friend. Suppose this agent had been supplied with enough money to carry on the business of the Trade Union. He misappropriates that money and borrows without authority. He commits a double offence, an offence against his employer, and an offence against a third person to whom he goes and makes a misrepresentation. He pockets the money received from both. Can it be said that the money borrowed has to be returned by the Trade Union with the declaration of the repudiation . . .

The Honourable Mr. S. R. Das: The Trade Union has received no benefit.

Pandit Motilal Nehru: Benefit, yes. Suppose he pockets the money given by the Trade Union and spends the borrowed money for the purposes of the Trade Union, will it not be for the benefit of the Trade Union though it knows nothing about it?

The Honourable Mr. S. R. Das: It is exactly the case in point.

Pandit Motilal Nehru: A number of cases can arise which would make my Honourable friend's proposition absurd when put to the test. I say, standing here without any books of reference, that there is no authority, and there can be none either in England or here or in America, to make the principal liable in respect of the act of his agent done admittedly beyond the scope of his authority to which the principal has not in any way been a consenting party or lent his support or with which he has not identified himself either expressly or impliedly. That being the case, you are depriving the Trade Union of the most obvious defence which a common principal has against third parties when the agent misbehaves himself while you profess to give a special and additional defence.

The Honourable Mr. S. R. Das: May I have your permission to say a few words?

Mr. President: Only in so far as it is necessary to answer the challenge thrown out by Pandit Motilal Nehru?

The Honourable Mr. S. R. Das: I will read Bowstead on Agency, page 348:—

"Where, by any wrongful or unauthorized act of an agent, the money or property of a third person comes into the hands of the principal"—that is, benefited by him,—"or is applied for his benefit, the principal is liable jointly and severally with the agent to restore the amount or value of such money or property."

The illustration that I gave on this is taken from four reported cases but I will not trouble the House with them. But with regard to the illustration which Pandit Motilal Nehru gave as the last one, I will read this case:

"The Secretary of a company forges and discounts certain bills of exchange, and pays the proceeds to his own account, upon which he draws cheques in favour of the company. The company is liable to the discounteer to the extent that the proceeds of the bills have been applied for its benefit."

Mr. President: I think that this question has been sufficiently discussed and I therefore put the question. The question is:

"That in sub-clause (2) of clause 18 the words 'and that the executive has repudiated such act at the earliest opportunity and by all reasonable means and with reasonable publicity' be omitted."

The Assembly divided:

AYES—57.

Abdul Karim, Khwaja.
Acharya, Mr. M. K.
Ahmad Ali Khan, Mr.
Ahmed, Mr. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Ahmuzzaman Chowdhry, Khan
Bahadur.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Datta, Dr. S. K.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Ghose, Mr. S. C.
Ghulam Bari, Khan Bahadur.
Goswami, Mr. T. C.
Gulab Singh, Sardar.
Hla. U.
Hussanally, Khan Bahadur W. M.
Hyder, Dr. L. K.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.
Kidwai, Shaikh Mushir Hosain.
Lajpat Rai, Lala.
Lohokare, Dr. K. G. .

Majid Baksh, Syed.
Malaviya, Pandit Krishna Kant.
Malaviya, Pandit Madan Mohan.
Mrs. Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi
Sayad.
Mutalik, Sardar V. N.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Piyare Lal, Lala.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan
Bahadur.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Talatuley, Mr. S. D.
Tok Kyi, U.
Venkatapat Raju, Mr. B.
Vishindas, Mr. Harchandrai.
Yakub, Maulvi Muhammad.
Yusuf Imam, Mr. M.

NOES—41.

Abdul Qaiyum, Nawab Sir Sahibzada
Abul Kasem, Maulvi.
Akram Hussain, Prince A. M. M.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Carey, Sir Willoughby.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Donovan, Mr. J. T.
Gidney, Lt.-Col. H. A. J.
Gordon, Mr. R. G.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh Brar, Sardar Bahadur
Capt'n.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Jatar, Mr. K. S.

Jeelani, Haji S. A. K.
Lindsay, Sir Darcy
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Mitra, The Honourable Sir Bhupendra
Nath.
Muddiman, The Honourable Sir
Alexander.
Naidu, Rao Bahadur M. C.
Neave, Mr. E. R.
Owens, Lieut.-Col. F. C.
Rahman, Khan Bahadur A.
Raj Narain, Rai Bahadur.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanvon, Colonel Sir Henry.
Tonkinson, Mr. H.
Vernon, Mr. H. A. B.
Vijayaraghavacharyar, Sir T.
Willson, Mr. W. S. J.

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clauses 19, 20 and 21 were added to the Bill.

Mr. President: The question is :

“ That clause 22 do stand part of the Bill.” Dr. Datta.

Dr. S. K. Datta (Nominated : Indian Christians) : Sir, I beg to move the amendment which stands in my name, namely :

“ That in clause 22 for the words ‘ one-third ’ the words ‘ one-half ’ be substituted.”

Sir, as the Bill was introduced in this House the proportion appeared as two-thirds. The Select Committee reduced it to one-third, and
4 P.M. I now propose that it should again be raised to the higher figure of one-half. It may be, Sir, that there are, both within and without the House, many to whom it would appear that if we allow the figure one-third to stand, it might be a direct incitement to others, namely, “outsiders”, to dabble in the affairs of Trade Unions for their own purposes. I presume that will not be the case, but in order to obtain an atmosphere of confidence in which this whole Act may be worked, I hope and trust (the House will acknowledge that there are a great number of people, important people, inside and outside this House who entertain this apprehension) that no cause will be given to their fears. My first argument then is that in working this Act, we should therefore change one-third to one-half. But that is not my whole argument. I believe I have a more solid argument than that, and which may be called, if I may so put it, an educational argument. Here for the first time we are recognizing these bodies. These registered Trade Unions will now be formed, and probably they will be formed, in very large numbers and in most of the large industries in India. That is to be a feature of the new industrial life in this country. We have another feature, a parallel feature in the agricultural life of this country, namely, the co-operative societies. Here then are these two movements, the co-operative movement among the agricultural classes, the trade union movement among the industrial classes. Now, we desire that these two movements should become self-operating, that they should become a part of the life of the working classes of India. Furthermore, I think it should be acknowledged, as the principle of this Bill acknowledges, that of all those who can protect their own interests best, the working man is really the best person to protect his own interest. Now we may examine for a moment what these Trade Unions will consist of, that is very largely of members who are illiterate. Furthermore, there will be those who are dependent, dependent on the advice and on the guidance of others and will be tempted to shirk their responsibility. An important principle of education is that if you overload an organization such as these Trade Unions are with those who are much better educated, you will never get that life growing up in these Unions which we so much desire. Take, for example, a “ school-boy ” society. If a “ school-boy ” society were overloaded with a majority of school masters, it would never function. So I believe it is with the Trade Union. There are some of us in this House who have had experience both of primitive and uneducated people, and we believe that they must be compelled to undertake the responsibility within the organizations that are created for their benefit. For that solid reason, Sir, I trust that the House will accept this proportion of one-half in the Trade Union, first, because I believe it will give confidence in this trade union movement,

[Dr. S. K. Datta.]

and we require all the confidence that we can gain from all classes of people, and secondly, because we believe in the educational effect of insisting on a certain proportion, and a very substantial proportion, of the officers of the Trade Union being men who are themselves in this movement. If you permit me, Sir, I do not know whether I am in order in referring to the proviso which comes next.

Mr. President: Will the Honourable Member go on.

Dr. S. K. Datta: I do not know whether I am in order in referring to the proviso which comes later on, Sir.

Mr. President: Will the Honourable Member go on?

Dr. S. K. Datta: The proviso says :

" Provided that the Local Government may by special or general order declare that the provisions of this section shall not apply to any Trade Union or class of Trade Unions specified in the order."

There obviously will be cases and there are cases where it may be necessary for a larger proportion of outsiders to take part in the affairs of a Trade Union. Particularly I am told that this is the case of seamen's unions. Naturally most of the effective members of the seamen's union probably will be afloat, and therefore not at hand to conduct the affairs of the Trade Union. But I give the privilege to the Trade Unions under very stringent conditions and it will be for the Local Government to ensure that those circumstances exist which justify them in giving a particular Trade Union this particular privilege of having one-half of its officers recruited from " outsiders ". I present this amendment together with that proviso. I notice that my friends Mr. Joshi and Mr. Chaman Lal have still further amendments to move, and I therefore resume my seat.

Mr. B. Das (Orissa Division : Non-Muhammadian) : I rise to support the amendment moved by my friend Dr. Datta. I do not know what made the Select Committee alter this figure from two-thirds to one-third. I do not understand why there is this idea that Indian workmen are illiterate and ignorant. (*An Honourable Member:* " They are.") They are not. Those of us who know the country people know that they have good sense, a certain amount of religious training and a large amount of truthfulness and honesty. Well, that is a great asset the lack of which we at times deplore among the so-called educated classes. In Calcutta there are about two lakhs of Oriya people who belong to the working classes and I am sincerely interested in their welfare. They are both skilled and unskilled labourers, but I know that the average Oriya labourers are quite efficient, quite able and fully cognisant of their position to be in the executive bodies of their Trade Unions. I regret to find that the two representatives of labour on the Select Committee, Mr. Devaki Prasad Sinha and Mr. Tulsi Charan Goswami, did not point this out in their minute of dissent. Everywhere we find, whether it is in the Government of India or in other kinds of executive Government, parasitic bodies are trying to retain control in their own hands. We do not want Trade Unions controlled by parasitic bodies who want to get political ascendancy in the country as labour leaders. Let Trade Unions be controlled for the good of the workers and let the executive, as far as possible, be elected from the working classes. That is my submission.

Mr. N. M. Joshi: I am quite indifferent whether this amendment is carried or not. (Hear, hear.) I think, Sir, that the whole clause is a wrong one and my friend Dr. Datta, according to his own ideas, is trying to improve it. It is not the business of the Legislature to lay down whom the Trade Unions shall elect as their officers. If it suits a Trade Union to elect all outsiders as officers, as some Trade Unions do, it is their business. If some Trade Unions do not want outsiders, it is also their business. It is not our business to lay down in the Bill how many outsiders there shall be, or whether there shall be any outsiders, or whether there shall not be any outsiders. I therefore think that the whole clause is drawn with this suspicion of the officers of the Trade Unions. The suspicion that we have seen here throughout the discussion is there, that the officers of the Trade Union will defraud the Trade Union, will take wrong advantage of their position in the Union, and, therefore, the members of the Trade Union must be protected. This is the spirit of the Government of India of protecting people against themselves. They do not give self-government to the people of India because they say that the people of India must be protected against themselves. And in the same manner the Trade Union will not have the free choice of electing their own officers because the Trade Union must be protected against its own officers. Sir, it is this spirit of suspicion that is running throughout the whole discussion. I do not care, therefore, for this amendment or even for the clause as it is drafted by the Select Committee. I support the amendment of my friend Mr. Chaman Lal that the whole clause be omitted.

The Honourable Sir Bhupendra Nath Mitra: Sir, I do not know on whose behalf Mr. Joshi spoke when he wanted to delete this clause.

Mr. N. M. Joshi: I have spoken on my own behalf. Have you any objection to it?

The Honourable Sir Bhupendra Nath Mitra: I am in possession of the House at the present moment and I hope my friend will excuse me.

For my part, I support fully the amendments moved by my friend Dr. Datta and I fully endorse his reasons on behalf of his amendments. Reading through the papers which we collected in connection with the Bill, I find a certain expression of opinion by the Kamgar Hitwardhak Sabha, Bombay, which, I take it, is an Association of workmen.

Mr. N. M. Joshi: Will you tell me how many members this Sabha has got?

The Honourable Sir Bhupendra Nath Mitra: I have no personal knowledge of the genuineness of these so-called labour leaders or of their Associations. (Laughter.)

Mr. N. M. Joshi: When you are quoting from an authority, you ought to know what that authority is.

The Honourable Sir Bhupendra Nath Mitra: The passage in the statement submitted by the Sabha runs as follows:

"With reference to section 20 regarding majority of officers of Trade Unions to be persons actually engaged or employed in the industry with which the Trade Union is concerned, the Sabha submits that the word 'majority' is vague. It would be better if some definite provision is made so as to insure a minimum number of outsiders taking part in trade union. In many respects the Sabha thinks it would be better if a definite list of trade union office-holders be mentioned to which outsiders could be eligible."

[Sir Bhupendra Nath Mitra.]

That particular Sabha therefore wanted Government to go beyond the provision made by them in the Bill. I have also got here numbers of criticisms in the press in regard to the amendment made by the Select Committee in this particular clause of the Bill. They are from various parts of the country. There is one, for example, from the "*Justice*" which, I believe, represents the non-Brahmins and working classes in the Madras Presidency.

Mr. N. M. Joshi: Where did you get that knowledge from?

The Honourable Sir Bhupendra Nath Mitra: Apparently all my knowledge in these matters is wrong and there is only a limited number of prophets who can advise this House in matters of this sort. Anyhow, I can deal with facts as I find them, and that being so I fully endorse the views of Dr. S. K. Datta and support his amendments.

Mr. Chaman Lal: Sir, as far as this amendment goes, I am of opinion that there is no necessity whatsoever for inserting any provision with regard to outsiders. People who talk of percentages of outsiders are not aware of the fact that in actual working Trade Unions cannot afford to have more than a couple or at the outside three outsiders. In actual experience we find that they themselves manage their own affairs. I will give you instance after instance of this if you will only examine the constitution of the big Unions in India or, for the matter of that, of small Unions in India. You will find that the outsiders are either the President or the Secretary and all the rest of the executive happen to be workers themselves. Take the North Western Railway Union. There are just one or two outsiders in a body which has a membership of nearly seventy thousand. Take the Ahmedabad Mills Unions. You find just one or two outsiders, all the executive members being workers themselves. In the case of the Bombay Tramway Union the only outsider was the General Secretary, all the members being actual workers. Throughout India, whether in Madras, Bombay or Northern India, you will find the workers themselves as members of the executive, and you will find that workers are everywhere in an overwhelming majority. There are not enough outsiders who take such keen interest in these matters.

I quite realise that the Honourable Member is not supposed to know the working of these organisations. Some are good and some are bogus ones. The one referred to by the Honourable Member, the Kamgar Hitwardhak Sabha, is one of the bogus ones as I know from my own personal experience, and as the Honourable Member would have known himself if he had read through the report. There is the cloven hoof displayed in its statement opposing a political fund. The Union reports to the Government as follows:

"It is such a relief to find that this organisation excludes politics."

The Honourable Sir Bhupendra Nath Mitra: Is that of a bogus character?

Mr. Chaman Lal: It adds to its bogus character. Any legitimate trade unionist who really understands the problem of the future destiny of trade unionism would never put his signature to a document like this. If the Independents can have their own politics, if the Government can have their own politics, if the Swarajists can have their own politics, why

cannot the Labour Party have its own politics? Have you any objection to that? People in India who do not know what trade unionism is are always willing to subscribe to a doctrine like this. If you really mean that outsiders should be limited by all means limit them. We are not going to oppose that. What we claim is that there is no necessity to put a restriction in the body of the Bill itself. It is not necessary to tie Trade Unions to the apron-strings of legislation by limiting the number of outsiders in the clauses of the Bill. It is a very vicious principle which shows suspicion on the part of the Government. Speaking on behalf of a large number of people here, I would not be willing to oppose a provision of this kind if Government thought it a very essential part of the Bill. It does not matter in the least whether you make it 99 or 50 per cent., because in any case outsiders are only a handful of the Union executive in any part of India that you choose to name. I therefore personally believe that there is no necessity for any provision of this nature. At the same time, if Government do not make it a point of importance in the Bill I would request them to support us in deleting this clause from the Bill.

Mr. W. S. J. Willson: Sir, I most heartily support the amendment moved by Dr. Datta. The Chambers of Commerce throughout India are unanimously of the opinion that the majority of the voters should come from the workers. If that be accepted, it will not alter the fact that the Unions will be led by leaders, but if Trade Unions are to be a success in this country, it appears to us to be absolutely necessary that the workers of those Trade Unions shall be educated up to the power of exercising their vote and exercising control of their own Union. It will be for the leaders to advise them, but the ultimate voting power should be with the workers themselves. We are firmly of opinion, as laid down in the original Bill, that the persons actually engaged or employed in an industry with which the Trade Union is connected should constitute the majority of the officers, and the amended clause of the Select Committee grants too much latitude for the intervention of outside agitators.

Pandit Shamlal Nehru: What is the English law?

Mr. N. M. Joshi: There is no section in the English law on this subject.

Mr. W. S. J. Willson: I think the clause and the amendment moved are so sufficiently obvious that no long speeches are necessary and I will only say once more that I most strongly support the amendment of the Honourable Dr. Datta.

Diwan Bahadur T. Rangachariar: Sir, if I intervene it is to say a word in support of the majority of the Select Committee who made the change. The speakers who have spoken up to now have been either supporting the amendment or supporting it under the notion that the whole clause should be deleted. Now what is the principle underlying this clause? We are now creating Trade Unions and educating people to form Trade Unions, and this clause seeks to interfere with the judgment of people who form Trade Unions. Now, interference with the judgment of people who have to decide for themselves should be as small as possible; so the majority of the Select Committee thought that, if you are going to interfere your own judgment for the judgment of the people who have to select their own officers, that interference should be to a minimum extent.

[Diwan Bahadur T. Rangachariar.]

If you follow the language of the clause we do not fix a maximum limit—it is not less than one-third, it may be possible for them if they are able to find competent people from among themselves to manage their affairs to secure their officers, they may have all of them. All that we say is not less than one-third of the total number shall be persons engaged—and mark also the qualification they must be persons actually engaged or employed in the industry concerned. Supposing in a cognate industry, on the other hand, they find people to assist them, people engaged in some other industry. The word "outsider" does not necessarily import labour leaders; they may be people employed in another industry who may be more experienced in the matter, who may be better experienced in worldly affairs and who will be taken in as officers and members of the executive. After all what is it we are doing? Not less than one-third of the total number of the officers of every registered trade union shall be so and so. The Legislature is imposing a fetter upon the judgment of Trade Unions. I quite agree we ought not to impose any fetter, but when you do impose a fetter it ought to be to the minimum extent, and that is why the majority of the Select Committee came to this figure. The difference after all between one-third and one-half is so small. Not that I quarrel with it. What would be the strength of the officers in a Trade Union? There are small and big Trade Unions. The strength, say, will be 10 or 12 or more. You expect it to be more. It will be one-third or one-half of 12. Therefore, on the whole, I commend the decision of the majority to the House. Why should we interfere unnecessarily, why should we not trust to their own judgment? And as in the earlier initial stages we want to impose this restriction, let the restriction be to a minimum extent. I quite agree with the principle, that there should be no restriction, but when we do decide to impose a restriction let us not interfere too much with their own judgment. If they think that their welfare will be best secured by persons from another but a cognate industry, why should you not leave it to their judgment? It does not compel them to do anything. We cannot say that the whole body should be men in their own industry. I expect they will do so if they find the men; but if not, why should they not have the assistance of neighbours who are perhaps better versed in affairs? Therefore, I would leave it as passed by the majority of the Select Committee.

Mr. President: The question is:

"That in clause 22 for the words 'one third' the words 'one-half' be substituted."

The motion was adopted.

Dr. S. K. Datta: I move, Sir:

"That to clause 22 the following proviso be added, namely:

'Provided that the Local Government may by special or general order declare that the provisions of this section shall not apply to any Trade Union or class of Trade Unions specified in the order.'

The motion was adopted.

Mr. President: I may mention that the Government ought to explain their position in regard to amendments of this character, before they are pressed to a division.

The Honourable Sir Bhupendra Nath Mitra: Sir, may I rise to a point of personal explanation? When Dr. Datta moved his amendment No. 48, you allowed him to move his amendment No. 49 as well, and he explained his reasons for his amendment No. 49. Therefore, in speaking on behalf of the Government, I supported both the amendments Nos. 48 and 49.

Mr. President: The Chair accepts the explanation.

Clause 22, as amended, was added to the Bill.

Clauses 23, 24, 25, 26, 27 and 28 were added to the Bill.

Clause 29 was added to the Bill.

Clauses 30 to 33 were added to the Bill.

Clause 2 was added to the Bill.

The Honourable Sir Bhupendra Nath Mitra: I have got a small amendment to make, Sir, in clause 1. It is a purely formal one, namely, that for the figures "1925" the figures "1926" be substituted. The amendment needs no explanation.

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Bhupendra Nath Mitra: I do not propose at this stage, Sir, to make the further motion that the Bill be passed.

THE CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898, for a certain purpose

Sir, this is a familiar friend. It was included in the Bill which I brought before the House last Session. The three clauses of that Bill, which were of less importance, the House was good enough to let me pass, but this clause, which is more important, they did not allow me to pass. I had an alternative. I could have moved an amendment in the Council of State and then brought the Bill back to this House. On the whole I decided not to adopt that course, because I regarded the decision of the House on the last occasion as in the nature of a snap division. The majority against me was 1. I am informed—and I have reason to believe it—by those who sit behind me that the majority against me was mainly due to the careless way in which I handled the case on the last occasion. I propose to handle it more carefully on the present occasion, and I hope the House will allow me to introduce the Bill. At this stage I need say nothing more than this. The Bill is intended to restore the discretion of the Magistrate to give either simple or rigorous imprisonment to a person bound down under section 109. I have had prepared a very careful paper which I commend for the perusal of all the Members of the House. It will give them a great deal of information. In the first place, there are extracts from practically every Local Government

[Sir Alexander Muddiman.]

pointing out the necessity for this amendment. Furthermore, in case the House should think that we do not desire to put everything we have before them, there are extracts from most of the jail reports. Last of all, there is a most valuable but rather complicated table which I have no doubt the House will understand better than I do. On all these grounds I move for leave to introduce the Bill.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I do not rise to oppose the motion, but I wish simply to inform my Honourable friend on the opposite side that this Bill will be opposed. In pursuance of a convention, which I hope is now established, that we are not to oppose any Bill at the stage of introduction, we do not oppose it now.

The Honourable Sir Alexander Muddiman: I had a suspicion that the Bill would be opposed.

The motion was adopted.

The Honourable Sir Alexander Muddiman: I introduce the Bill.

THE GOVERNMENT TRADING TAXATION BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, the motion which I have now to make is, I think, an entirely non-controversial one. It is to move that the Bill to determine the liability of certain Governments to taxation in British India in respect of trading operations be taken into consideration.

This is the outcome of one of the resolutions of the last Imperial Economic Conference. That Conference invited the several Parliaments to enact at the earliest opportunity a declaration that the general and particular provisions of its Acts or Ordinances imposing taxation shall be deemed to apply to any commercial or industrial enterprise carried on by or on behalf of any other such Government in the same manner in all respects as if it were carried on by or on behalf of a subject of the British Crown. The Government of India consulted the Local Governments, and after obtaining their views, they informed the Secretary of State that they would consider the introduction of such legislation as soon as they saw the form that the corresponding legislation took in the United Kingdom. One clause of the Finance Act of 1925 passed in the United Kingdom in the last year enacted legislation of the kind proposed by the Imperial Economic Conference, and following that model it is now proposed to enact similar legislation in India. The effect of this Bill is to make Governments trading in India liable to same income-tax as companies or persons. I do not think there is any opposition in any quarter to this Bill, and I will not therefore prolong my explanation. I beg to move.

The motion was adopted.

Mr. President: The question is:

"That clause 2 do stand part of the Bill."

The Honourable Sir Basil Blackett: I beg to move:

"That in clause (a) of sub-clause (1) of clause 2, after the word 'manner' the words 'and to the same extent' be inserted."

This is purely a drafting amendment in order to improve the Bill.

The motion was adopted.

The Honourable Sir Basil Blackett: I beg to move:

"That sub-clause (2) of clause 2 be renumbered as sub-clause (3) and after sub-clause (1) the following sub-clause be inserted, namely:

'(2) For the purposes of the levy and collection of income-tax under the Indian Income-tax Act, 1922, in accordance with the provisions of sub-section (1), any Government to which that sub-section applies shall be deemed to be a company within the meaning of that Act, and the provisions of that Act shall apply accordingly'."

As I said when moving that the Bill be taken into consideration, we have followed the model of the clause in the Finance Act of 1925 of the United Kingdom Parliament. But on a careful study of the Bill after it had been introduced we came to the conclusion that, even if it became law, it would not give us the powers we required, because it would in practice be impossible to levy any income-tax under it as a foreign State cannot be identified with any of the classes of assesses specified in section 3 of the Indian Income-tax Act, 1922, and the Bill did not provide, as it stood, any special machinery for assessing the profits of businesses conducted by or on behalf of foreign Governments in British India. The purpose of my amendment is to give us the machinery required for effecting the assessment. I beg to move.

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 2nd February, 1926.

LEGISLATIVE ASSEMBLY.

Tuesday, 2nd February, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN:

Mr. Edgar Stuart Roffey, M.L.A. (Assam: European).

QUESTIONS AND ANSWERS.

RECRUITMENT OF INDIANS TO THE RAILWAY SERVICE OF ENGINEERS.

523. ***Kumar Ganganand Sinha:** Will the Government be pleased to lay on the table a copy of the rules and regulations for the recruitment of Indians in the State Railways as Engineers? How many of the said posts are guaranteed to the various Engineering Colleges in India?

The Honourable Sir Charles Innes: Under the existing rules, officers of the Indian Railway Service of Engineers are recruited partly in England and partly in India. I have placed in the Library a copy of the latest regulations regarding recruitment in England. On the recommendation of the Public Services Commission new rules have been framed regarding recruitment in India. As soon as they are finally approved, I will take steps to place a copy of them in the Library. The guarantee system has been withdrawn from students entering the Indian Engineering Colleges in 1925 and subsequent years.

GUARANTEE OF APPOINTMENTS IN THE INDIAN SERVICE OF ENGINEERS OR IN THE INDIAN RAILWAY SERVICE OF ENGINEERS TO QUALIFIED STUDENTS OF THE PATNA ENGINEERING COLLEGE.

524. ***Kumar Ganganand Sinha:** Has any guarantee been given to the Patna Engineering College for the appointment of its qualified students to either the Indian Service of Engineers or as State Railways Engineers? If so, how many places are so guaranteed?

The Honourable Sir Bhupendra Nath Mitra: No guarantee of appointments either in the Indian Service of Engineers or in the Indian Railway Service of Engineers has been given to students of the Patna Engineering College.

METHOD OF RECRUITMENT TO THE INDIAN ARMY FROM THE DALY COLLEGE, INDORE.

525. ***Kumar Ganganand Sinha:** Will the Government be pleased to state the method of recruitment to the Indian Army from the Indore College and lay on the table the rules and regulations for admission to the College?

Mr. E. Burdon: The Daly College, Indore, was used for one year from October 1918, as a training school for Indian candidates for temporary King's commissions. This arrangement ceased altogether in October 1919, and there are consequently no rules or regulations in existence on the subject.

APPOINTMENT OF THE PUBLIC SERVICE COMMISSION.

526. ***Kumar Ganganand Sinha:** Will the Government be pleased to state the probable date of the formation of the Public Service Commission for India and the reasons why such a formation is being delayed?

The Honourable Sir Alexander Muddiman: I would refer the Honourable Member to the answer given by me to Mr. Gaya Prasad Singh on the 21st January, 1926

DATE OF THE COMPLETION OF THE WORK OF THE CURRENCY COMMISSION.

527. ***Kumar Ganganand Sinha:** Will the Government be pleased to state when the Currency Commission is expected to finish its labours?

The Honourable Sir Basil Blackett: It is I understand not improbable that the Commission may be able to complete their work by the end of June next, but I am not in a position to make a definite statement at present

DETENTION OF MR. SUBHAS CHANDRA BOSE UNDER REGULATION III OF 1818.

528. ***Syed Majid Baksh:** 1. Will the Government be pleased to state whether it is a fact that a thorough perusal of evidence and information was made before issuing orders for arrests under Regulation III of 1818? Is this also a fact so far as Mr. Subhas Chandra Bose is concerned? If so, will the Government, without mentioning names and endangering personal safety, be pleased to answer the following particulars:

- (a) Under what garb were the informants employed to keep watch over Subhas Chandra Bose?
- (b) What was their position in life before employment?
- (c) Did they keep watch over him while he was at home, while he was in the municipal office and while he was on tour?
- (d) Is it contained in their reports that Mr. Subhas Chandra Bose rose in the morning to find that long before he left his bed his office and even his private apartments were filled with candidates for posts in the Calcutta Corporation and other matters regarding business; that he finished his tea within half an hour and hastily conferring with this sundry assortment of people he soon left in his car on inspection tour; that he returned again at 11 A.M., found the same sort of people waiting and after finishing his bath and midday meal within an hour left for the office and did not return again before 11 o'clock in the night; that he found the same kind of people again waiting for him some of them asleep at that hour in the night; that these people had no bar to go even

to his private chambers; that it was not possible to hold secret conference before such people; that exhausted by the day's work he hastily took his meal and almost immediately went to bed and it was physically impossible for him to awake before sunrise the next day; that this was invariably the case without a single day's exception?

2. What is the hour mentioned by the C. I. D. agent at which Mr. Subhas Chandra Bose held secret conclave with the revolutionaries?

The Honourable Sir Alexander Muddiman: I would invite the Honourable Member's attention to the reply given by me on the 28th January, 1925, to question No. 366, asked by Pandit Nilakantha Das, to which I have nothing to add

REMOVAL OF STATE PRISONERS TO THE MANDALAY JAIL.

529. ***Syed Majid Baksh:** Will the Government be pleased to state if there is any special reason for the removal of State prisoners to Mandalay? Why was Mr. Subhas Chandra Bose or Satyendra Chandra Mitra removed to Mandalay?

The Honourable Sir Alexander Muddiman: I invite the Honourable Member's attention to the speech made by the Honourable Sir Hugh Stephenson in the Bengal Legislative Council on the 11th December last on a Resolution recommending the repeal of the Bengal Criminal Law Amendment Act, 1925. A copy of the debate containing the speech will be found in the Members' Library.

LOCATION OF THE GOLD STANDARD RESERVE IN INDIA.

530. ***Syed Majid Baksh:** (a) In reply to my starred question No. 324 in the Simla Session, 1925, the Honourable Finance Member answered that £40,202,587 are deposited in England as the Gold Standard Reserve up to April 30th, 1925, and in reply to my starred question No. 325 during the same Session the same Honourable Member stated that the Reserve is maintained for the purpose of being transferred to India during exchange weakness and retransferred to England as the exchange resumes strength. Will the Government be pleased to state what objection there can be if the whole of the Gold Standard Reserve is deposited in India and transferred to England and retransferred to India according as the exigencies of the exchange situation required?

(b) If there be no objection do the Government propose to do that?

The Honourable Sir Basil Blackett: The use and location of the Gold Standard Reserve is a subject which is within the terms of reference of the Currency Commission now sitting and I would suggest that the Honourable Member should await their report.

INADEQUACY OF TRAIN SERVICE BETWEEN BONGONG AND RANAGHAT.

581. ***Syed Majid Baksh:** (1) Are the Government aware:

(a) that passenger trains running between Bongong and Ranaghat are not at all adequate considering the importance of the line which forms the connecting link between the two important main lines of the Eastern Bengal Railway:

- (b) that even the few trains that run between those stations have hardly been known to keep punctuality to the scheduled time in the time table;
- (c) that passengers travelling by the down Chhandpur mail invariably fail to catch the corresponding down Bongong passenger which very often leaves Ranaghat only a few minutes before the down Chandpur mail arrives and the unfortunate passengers have to wait for ten or twelve hours before they get the next train for their journey on the main Khulna line;
- (d) that the down Ranaghat passenger from Bongong which is said to be corresponding to the Darjeeling mail on the main line seldom reaches Ranaghat before the Darjeeling mail in spite of the time table; and
- (e) that recently a European doctor of Jessore, an I. M. S., and a Deputy Magistrate both of whom were witnesses in a Sessions case at Jalpaiguri travelling by the said passenger to Ranaghat missed the corresponding Darjeeling mail by a few minutes only and in consequence the case at Jalpaiguri had to be postponed?

(2) Will the Government consider the desirability of remedying the above grievances?

Mr. G. G. Sim: Government have no information. These are matters which should be brought to the notice of the Agent through his Local Advisory Committee.

CONSTRUCTION OF A PLATFORM AT JHIKARGACHA GHAT STATION ON THE EASTERN BENGAL RAILWAY.

582. ***Syed Majid Baksh:** (a) Are the Government aware that Jhikargacha Ghat station is a very important station on the Khulna Calcutta line?

(b) Are the Government aware that several maunds of jute are booked every year from this station and that it is the terminus of the most important feeder steamsip lines in that part of the country?

(c) Are the Government also aware that in this important railway station there is no platform whatsoever and that there is a frail woodwork which is below the level of the railway line itself?

(d) Are the Government aware that passengers both male and female travelling by day and night have to suffer great hardship for want of a platform and sometimes run the risk of breaking their limbs?

(e) Is it a fact that for the last twenty years a terminal tax of one pice per ticket has been realised from passengers for building a station and platform and that yet the station and platform have not been built?

(f) When will the Government remedy these grievances?

Mr. G. G. Sim: (a), (b), (c), (d) and (f). Government are not aware of the inconveniences complained of. A copy of the question and answer will be sent to the Agent, Eastern Bengal Railway, for such action as he may consider necessary.

(c) The Government are making inquiries.

ARRANGEMENTS FOR THE REMITTANCE OF SOLDIERS' SAVINGS TO
ENGLAND.

538. ***Mr. Jamnadas M. Mehta:** (i) Has the attention of Government been drawn to the telegram from Delhi, dated 20th November, 1925, published in the *Times of India* of the 21st November, 1925, purporting to be from its Delhi correspondent under the title "The Soldier's Savings"?

(ii) Will Government state what the Indian Army Orders by H. E. the Commander-in-Chief referred to in the said telegram are?

(iii) Will Government explain the difference between remittance through ordinary channels and remittance "through public accounts", for deposit in the Post Office Savings Bank, London?

(iv) Will Government mention the rate of exchange for remittance through public accounts?

(v) What is the net pay earned by a soldier in a year and what is the gross pay?

(vi) Do Government realise that under the limit fixed for remittance "through public accounts" the friends, relations and even ordinary acquaintances of the soldiers concerned are likely to take advantage of the facilities offered by the Army Orders?

(vii) If the answer to (vi) is in the affirmative, will Government state what steps they have taken or propose to take to ensure that soldiers will remit only their own savings under the facilities made available to them?

(viii) What is the estimated amount of annual expenditure likely to be borne by Indian revenues as a result of this remittance arrangement?

Mr. E. Burdon: (i) Government have seen a copy of the telegram referred to by the Honourable Member.

(ii) India Army Order No. 984 of 1925. The arrangement has been in force since 1908, and this India Army Order merely raises the maximum limit of the amount that can be remitted.

(iii) Ordinary channels are those resorted to by the general public when remitting money from one place to another. The public accounts referred to are the inward and outward accounts current maintained between the Government of India and the India Office.

(iv) The market rate of exchange.

(v) The pay of a soldier varies according to his rank and the arm of the Service to which he belongs. The Honourable Member will find the rates of pay, etc., of all soldiers serving in India in the Pay and Allowance Regulations, Parts I and II, copies of which are in the Library.

(vi) The friends and relations of a soldier would be most unlikely to adopt such a device. It would not benefit them pecuniarily, but on the other hand, would cause them considerable inconvenience, as the soldier's account in the Post Office Savings Bank could of course only be operated on by himself.

(vii) Does not arise.

(viii) The revised arrangement involves no additional expenditure.

LEVY OF CANTONMENT TAXES ON RELIGIOUS AND EDUCATIONAL INSTITUTIONS IN THE AMBALA CANTONMENT.

584. ***Mr. Ismail Khan:** (a) Is it a fact that the Northern Command has issued orders to the Cantonment Board of Ambala to levy cantonment taxes on religious and educational institutions, which have been exempt from the payment of such taxes for several years past?

(b) If the answer to the above question is in the affirmative, are the Government prepared to instruct the Northern Command to revoke the above-mentioned order?

Mr. E. Burdon: I am making inquiries into the matter and will let the Honourable Member know the result as soon as possible.

SUBSTITUTION OF A TERMINAL TAX FOR OCTROI IN THE AMBALA CANTONMENT.

585. ***Mr. Ismail Khan:** (a) Are the Government aware that the Cantonment Board, Ambala, unanimously submitted a proposal that terminal tax be introduced in Ambala Cantonment in place of octroi and requested the Northern Command to forward the proposal to the Local Government for sanction?

(b) Is it a fact that the Northern Command has taken no action on the proposal and that the trade of the Cantonment has suffered considerably in consequence?

Mr. E. Burdon: I am inquiring into the matter and will let the Honourable Member know the result as soon as possible.

APPOINTMENT OF JUNIOR MILITARY OFFICERS TO THE AMBALA CANTONMENT BOARD

586. ***Mr. Ismail Khan:** (a) Is it a fact that very junior military officers are being appointed as members to the Cantonment Board of Ambala?

(b) If so, do the Government propose to issue instructions that, as far as possible, only senior officers should be nominated?

Mr. E. Burdon: (a) I presume the Honourable Member is referring to the nomination of military members under section 14(1) (c) of the Cantonments Act, 1924. If so, the Government of India have no information on the point.

(b) The Government of India do not propose to interfere with the statutory discretion conferred by this section on the Commanding Officers of Cantonments.

WRITING OFF OF LOSSES OF MONEY BY CANTONMENT BOARDS.

587. ***Mr. Ismail Khan:** (a) Are the Government aware that under section 14 (ii) of the Cantonment Account Code, 1924, a Cantonment Board has no power to write off a loss of cantonment money, however small it may be?

(b) Do the Government propose so to modify the rule as to provide that every loss of cantonment money up to Rs. 100 can be written off by the Cantonment Board on condition that it submits a report thereof to the Local Government?

Mr. E. Burdon: (a) and (b). The attention of the Honourable Member is invited to draft rule 2 in Army Department notification No. 1686, dated 18th December, 1925, which was published in the *Gazette of India* of the 19th December, 1925. He will see from that notification that rule 14 of the Cantonment Account Code is already under revision.

PRESIDENTS OF CANTONMENT BOARDS.

588. ***Mr. Ismail Khan:** (a) Is it a fact that under the Government of India Circular No. 29136-2-A. D, dated 12th June, 1925, every officer commanding the station assumes the duties of the President of the Cantonment Board automatically without being appointed to that office?

(b) Is it a fact that section 23 (b) of the Cantonments Act, 1924, distinctly contemplates "appointment of the presidents", and if so, will the Government be pleased to state how and by whom such appointments are to be made?

Mr. E. Burdon: (a) Yes, Sir

(b) I would refer the Honourable Member to sub-section (1) of section 20 of the Act and must leave him to draw his own conclusions regarding the effect of section 23 (b)

Sir Hari Singh Gour: May I beg to inquire if it is a fact that the Vice-President of a Cantonment Board never gets a chance of presiding at a meeting of the Board in view of what the Honourable Member has said?

Mr. E. Burdon: No, that is not altogether the case, Sir

Sir Hari Singh Gour: May I beg to inquire if it is a fact that as soon as the Commanding Officer leaves the station some other officer immediately takes his place and becomes *ipso facto* the President of the Cantonment Board?

Mr. E. Burdon: Yes, Sir, there is always an officer commanding the station

Sir Hari Singh Gour: Does it not then follow that, as there is never a vacancy of an officer commanding the station, the Vice-President never gets a chance of presiding at a meeting of the Board?

Mr. E. Burdon: No, Sir, it might occasionally happen that the President is not able to preside at a particular meeting, in which case the Vice-President would take the Chair.

Sir Hari Singh Gour: Is the Honourable Member aware of any instance where that has occurred?

Mr. E. Burdon: No, Sir, I am not. I do not see how I could be expected to be.

APPOINTMENT OF EXECUTIVE OFFICERS BY CANTONMENT BOARDS.

589. ***Mr. Ismail Khan:** Has the Governor General in Council directed any Cantonment Board in India to appoint Executive Officers as contemplated by the proviso to section 18 of the Cantonments Act? Do the Government propose to apply this proviso to large cantonments?

Mr. E. Burdon: The answer to both parts of the question is in the negative. Power has been taken to enable a Cantonment Board, under suitable restrictions, to appoint its own Executive Officer, but Government do not anticipate that it will be desirable to make use of this power for some time to come.

GRANT OF MOTOR ALLOWANCES TO EXECUTIVE OFFICERS IN CANTONMENTS.

540 ***Mr. Ismail Khan:** Does the Government of India Circular No. 27477-A. D., dated 2nd July, 1924, make it obligatory on Cantonment Boards to give a motor allowance of Rs 100 per mensem to Executive Officers?

Mr. E. Burdon: No, Sir

REDUCTION OF RAILWAY PARCEL RATES FOR PLANTS.

541. ***Mr. Ismail Khan:** (1) Is it a fact that only half the parcel rate is charged on flowers, while the full parcel rate is charged on plants?

(2) Is it not a fact that before the war only half the parcel rate was charged on plants also?

(3) Are the Government prepared to consider the advisability of reducing the charges on the transport of plants to pre-war rates?

Mr. G. G. Sim: (1) and (2). The reply is in the affirmative

(3) In view of the fact that packages of plants occupy considerable space Government are not prepared to recommend any general reduction in rates.

RISE IN THE PRICE OF WHEAT.

542 ***Raja Raghunandan Prasad Singh:** Has the attention of the Government been drawn to the rate of the rise in the price of wheat in the country, especially in Bihar and Orissa, and the distress caused thereby to the poor and middle classes? Do the Government propose to take prompt and effective measures to check a further rise and to bring down the price to the level of two months ago?

Mr. J. W. Bhore: (1) The reply to the first part of the question is in the affirmative

(2) Government as at present advised do not propose to take the action suggested. The exports of food grains during 1925 were not in any way abnormal and it is considered that the rise in wheat prices was in sympathy with the rise in prices in other parts of the world. It is possible that this rise may not be maintained.

+543

CONSTITUTION OF A PRIVY COUNCIL FOR INDIA.

544 ***Raja Raghunandan Prasad Singh:** Will the Government be pleased to say whether they contemplate the constitution of a Privy Council for India?

The Honourable Sir Alexander Muddiman: No

REPORT OF THE REFORMS INQUIRY COMMITTEE.

545. ***Raja Raghunandan Prasad Singh:** Will the Government kindly state when the decision of the Government of India on the Muddiman Committee's Report will be published?

+Answered along with question No. 447 on the 1st February, 1926.

The Honourable Sir Alexander Muddiman: I am afraid that I am unable to state when the final decision on all the recommendations of the Committee over which I had the honour to preside will be announced.

Sir Hari Singh Gour: Will the Honourable Member be pleased to state when the decision is reached if the Legislative Assembly will be informed of it?

The Honourable Sir Alexander Muddiman: I thought they had already had a very good opportunity of debating my Report

Sir Hari Singh Gour: No, Sir. I asked whether, when the decision is reached, it will be announced to the Members of the Legislative Assembly and they will be asked to consider it?

The Honourable Sir Alexander Muddiman: Sir, the decisions will be made public in the usual way. I cannot guarantee that I shall announce it in the Legislative Assembly. It might not be sitting.

Sir Hari Singh Gour: I have still a question which is not answered and that question is, when the decision is made, will the Government give this House an opportunity to pronounce its views on that decision?

The Honourable Sir Alexander Muddiman: The Muddiman Committee Report made many recommendations. Some I have already brought before this House, others I am prepared to bring before this House; others are matters which do not concern this House. When the decision of Government is taken that will not be brought before this House, naturally, unless it is raised in the House in the usual way.

INTRODUCTION OF A CHEAP TELEGRAPH MESSAGE SYSTEM FOR CHRISTMAS, DASAHRA, ID AND NEW YEAR'S GREETINGS.

546. ***Raja Raghunandan Prasad Singh:** Do Government propose to introduce a cheap-rate telegraph message system in India to convey Christmas, Dasahra, Id and New Year's greetings from one part of the country to another?

The Honourable Sir Bhupendra Nath Mitra: The reply is in the negative.

OPENING CEREMONY OF THE NEW ASSEMBLY CHAMBER AT RAISINA.

547. ***Raja Raghunandan Prasad Singh:** Is it a fact that Lord Reading before leaving India in April will perform the opening ceremony of the new Assembly Chamber at Raisina?

The Honourable Sir Bhupendra Nath Mitra: The reply is in the negative

MAXIMUM SCALE OF ELECTION EXPENSES PRESCRIBED BY RULE 20(A) OF THE LEGISLATIVE ASSEMBLY ELECTORAL RULES.

548. ***Raja Raghunandan Prasad Singh:** Will the Government be pleased to say whether any maximum scale of election expenses has been fixed by the Governor General in Council as required by rule 20 (a) of the Legislative Assembly Electoral Rules? If not, when will it be so fixed?

Mr. L. Graham: The rule to which the Honourable Member refers empowers the Governor General in Council to fix maximum scales of election expenses, but does not require him to do so. The question of fixing maximum scales is under consideration.

FUTURE OF THE IMPERIAL LIBRARY.

549. ***Raja Raghunandan Prasad Singh:** Have the Government arrived at any decision regarding the future of the Imperial Library which was under the consideration of the Government?

Mr. J. W. Shore: The reply is in the negative.

Sir Hari Singh Gour: May I beg to inquire how long it will be before this long-pending question is decided by Government?

Mr. J. W. Shore: I regret I cannot enlighten the Honourable Member on this point.

ISSUE OF RETURN TICKETS TO BHAGALPORE, MONGHYR AND PATNA.

550. ***Raja Raghunandan Prasad Singh:** Do the Government propose to include Bhagalpore, Monghyr and Patna, in the list of stations whereto return tickets have been ordered to be issued?

Mr. G. G. Sim: The matter is within the competence of the Agent. The Honourable is also referred to the reply given to part (b) of question No. 369 asked by Mr. Gaya Prasad Singh.

SUPPRESSION OF THE SLAVE TRAFFIC IN ARABIA.

551. ***Dr. S. K. Datta:** (a) Has attention of the Government been called to a statement which appears in the *Manchester Guardian Weekly* of December the 4th, 1925, in connection with a debate in the House of Lords on December the 16th, on the question of slavery in Arabia? The statement is as follows:

"It is alleged that a large number of slaves are sold into Arabia from India and Nigeria and from the Italian and French Colonies".

(b) Are Government prepared to give information regarding the Indians who were sold into slavery?

(c) Will the Government state:

(i) from what parts of India these persons are taken: and

(ii) the number of such persons taken into slavery during the past ten years?

(d) What steps has Government taken to free these British Indian subjects?

(e) What steps have been taken to permanently suppress the traffic?

Sir Denys Bray: I have not seen the *Manchester Guardian Weekly* of the 4th December but can assure the Honourable Member that the allegation is without foundation.

Dr. S. K. Dutt: Has the attention of the Honourable Member been called to the debate in the House of Lords raised by Lord Buxton on the 16th December which makes a definite allegation that slave dealers kidnap girls and other pilgrims on pilgrimage, and may I know whether any of those who are kidnapped are British Indian subjects or not?

Sir Denys Bray: I have read the debate, Sir, and I have seen the statement to which he refers. We have had from time to time statements made that here and there a child who has been taken on pilgrimage has been

either disposed of by the parents in the Hedjaz or has otherwise remained behind in the Hedjaz, but it has in almost all cases been quite impossible to carry the matter further than that. It looks on the face of it as if such cases as those to which my Honourable friend referred are mostly cases in which the child is disposed of, possibly for religious purposes, with the consent of the parents.

Dr. S. K. Datta: May I ask whether the British Agent—whoever the British Agent may be, possibly the British Consul General—has this matter under his consideration or whether this matter has been brought to his attention?

Sir Denys Bray: His Majesty's Consul at Jeddah has this matter of slavery and practices approximating to slavery in the Holy Land very much under his examination the whole time. There are very great difficulties in the way, as my Honourable friend may have imagined, but it is hoped that under the new régime those difficulties will disappear.

THE TAMBANG ESTATE CASE IN THE FEDERATED MALAY STATES.

552 ***Mr. Jannadas M. Mehta:** (i) Has the attention of Government been drawn to the case of "two Malayalee estate labourers"—a father and a son—who were charged with attempt to extort money from two European employees of the Tambang Rubber Estate of the Dunlop Plantations' properties in the Federated Malay States in 1924?

(ii) Is it true that the accused in this case were not allowed a fair and proper opportunity of defending themselves? Is it true that an adjournment of the proceedings for the purpose of obtaining legal assistance was refused although the Indian Agent was the applicant on behalf of the accused?

(iii) What was the result of the appeal that was made on behalf of the accused against the conviction and sentence passed by the magistrate?

(iv) What steps have been taken by Government to bring to justice the two European employees who are alleged to have forcibly seduced two young girls, daughters of the elder accused in the said case?

(v) Have Government taken any steps to protect emigrants from India against such dangers in the future?

Mr. J. W. Bhore: (i) Yes. The case was tried in June 1925.

(ii) and (iii). I have placed in the Library of the House the report of the Controller of Labour, Malaya, containing a complete account of the case. The High Commissioner, Federated Malay States, is satisfied that this memorandum gives an accurate statement of the position.

(iv) As the report shows, the Legal Adviser, Johore, considered that the investigation did not disclose a *prima facie* case against the two Europeans. The Government of India, who have since had the opportunity of examining the record of the case and the judgment in the first class magistrate's court, did not consider that any further action was called for.

(v) An Agent of the Government of India has been posted in Malaya to look after the interests and welfare of Indian labourers.

**APPOINTMENT OF MR. J. COATMAN AS DIRECTOR OF PUBLIC
INFORMATION.**

558. *Mr. Gays Prasad Singh: Is it a fact that Mr. C. J. Hamilton, Professor of Economics in the Patna College, is going to be appointed as Director of Public Information in place of Professor Rushbrook Williams?

The Honourable Sir Alexander Muddiman: The Government of India have appointed Mr. J. Coatman to this post as notified in the *Gazette of India* of Saturday last.

Mr. Gays Prasad Singh: May I know what are the qualifications of Mr Coatman?

The Honourable Sir Alexander Muddiman: I am not prepared to discuss with the Honourable Member what the qualifications of Mr. Coatman are in detail, but I will state for his information that Mr. Coatman, who has had a very distinguished University career, is in my judgment a person with a very great power of the pen, and for these reasons and other reasons he has been appointed to this post which in the opinion of the Governor General in Council he is most competent to fill

Sir Hari Singh Gour: May I beg to inquire if the gentleman appointed to this office was ever a Superintendent in the Criminal Investigation Department?

The Honourable Sir Alexander Muddiman: Mr. Coatman is in the Punjab Police, and he has recently been employed I believe at headquarters in the Finger Impression Bureau. He will of course during his period of probation be seconded from that service.

Mr. N. M. Joshi: May I ask whether this post was votable up to this time and after his appointment may become non-votable?

The Honourable Sir Alexander Muddiman: Mr. Coatman is at present on probation. If he is confirmed in the appointment, he will resign his post in the Police and his appointment will then become votable.

Mr. B. K. Shanmukham Chetty: Is it a fact that this gentleman was in the C. I. D.?

The Honourable Sir Alexander Muddiman: I have already said that he was in the Punjab Police. He was afterwards in charge of the Finger Impression Bureau, which is, I believe, a branch of the C. I. D.

Mr. B. K. Shanmukham Chetty: Do Government think that a person who was in the C. I. D. is a proper person for this Department of Public Information?

The Honourable Sir Alexander Muddiman: Otherwise we should not have appointed him, Sir.

Mr. B. K. Shanmukham Chetty: Is this Department of Public Information a branch of the Criminal Investigation Department?

The Honourable Sir Alexander Muddiman: No, Sir.

Mr. B. K. Shanmukham Chetty: Does it do any work for the Criminal Investigation Department?

The Honourable Sir Alexander Muddiman: No, Sir.

Mr. Gaya Prasad Singh: Why were the claims of the present incumbent of the post overlooked?

The Honourable Sir Alexander Muddiman: I am not prepared to discuss the claims of individual officers on the floor of the House.

Mr. Gaya Prasad Singh: May I know what is the connection between the C. I. D. and the appointment which was filled hitherto by Professor Rushbrook Williams?

The Honourable Sir Alexander Muddiman: I have already explained to the Honourable Member with some care that there is no such thing.

Sir Hari Singh Gour: The Honourable Member has referred to the distinguished University career of Mr. Coatman. May I know if this gentleman is a graduate?

The Honourable Sir Alexander Muddiman: Not only a graduate but of two Universities; he was a graduate of the Manchester University when he came to India. He subsequently did a very remarkable thing. He went back after admission to Government service for some years and he did what many of us could not do, he went up to the University of Oxford and took the First Class, and he very nearly got a fellowship in All Souls. (Cheers.)

Diwan Bahadur T. Rangachariar: May I inquire how often did the acting incumbent act for the permanent incumbent?

The Honourable Sir Alexander Muddiman: I should require notice of that, Sir.

Diwan Bahadur T. Rangachariar: Do Government realize that an Indian is superseded and that there should be an Indian for an appointment like this? Or do they think he should be a European?

The Honourable Sir Alexander Muddiman: Sir, I do not recognize anything of the kind. It is our business to find the best man, and we have endeavoured to do so.

Sir Hari Singh Gour: Have finger prints anything to do with the Publicity Department of the Government?

The Honourable Sir Alexander Muddiman: No, Sir, neither is the fact that the gentleman referred to has had a very distinguished University career anything to do with the Finger Print Bureau.

Mr. Gaya Prasad Singh: May I know if no Indian was available in the service of the Government of India who could have filled this position with as much credit as this gentleman?

The Honourable Sir Alexander Muddiman: Obviously not, Sir.

Sir Hari Singh Gour: May I inquire if he had any previous experience of publicity work?

The Honourable Sir Alexander Muddiman: No, Sir. But he has written a good deal in the Press.

Sir Hari Singh Gour: Is that a qualification for appointment to the Publicity Department of the Government of India?

The Honourable Sir Alexander Muddiman: The qualification of writing good English is an essential qualification.

Diwan Bahadur T. Rangachariar: Is there not a Board attached to the Bureau of Public Information?

The Honourable Sir Alexander Muddiman: I believe so, Sir.

Diwan Bahadur T. Rangachariar: Did the Government try to get their assistance?

The Honourable Sir Alexander Muddiman: If the Honourable Member's suggestion is that Government should consult a Board of that character in regard to appointments in the Department, then I cannot accept his view.

Diwan Bahadur T. Rangachariar: Do Government realize that by such action the Government are emphasizing the suspicion that this is another branch of the Criminal Investigation Department?

The Honourable Sir Alexander Muddiman: Not at all, Sir. Nor do I admit that because this gentleman was employed in the Police, that fact could stand in the way of his appointment. As I have said, it was because he has other qualifications, which have nothing to do with his police work,—and those qualifications appeared to me to be superior to those of other people, that he was selected. I would add that Mr. Coatman is a probationer. It is impossible to determine without trial how he will succeed in the very difficult work connected with the Publicity Department.

Sir Hari Singh Gour: May I inquire what is his present pay and what would be the pay that he would draw in this appointment?

The Honourable Sir Alexander Muddiman: I should like notice of that Sir.

Mr. B. K. Shanmukham Chetty: Is it a fact that this Department has a secret service fund and is expected to collect secret information about people?

The Honourable Sir Alexander Muddiman: No, Sir.

Khan Bahadur W. M. Hussanally: Is it a fact that this gentleman resigned his service at one time? If so, how was he taken back into Government service?

The Honourable Sir Alexander Muddiman: I shall require notice of that. I was not aware of that.

Maulvi Muhammad Yakub: May I know who was acting in this post during the absence of Professor Rushbrook Williams?

The Honourable Sir Alexander Muddiman: You do know, Sir.

Maulvi Muhammad Yakub: May I know whether the acting incumbent was found incapable of doing the work during the absence of the permanent incumbent?

The Honourable Sir Alexander Muddiman: I have already answered that question. I am not going to discuss the respective merits of officers of my Department on the floor of the House, and I do hope the House will not ask me to do that.

MILITARY INSTITUTIONS IN INDIA OR IN ENGLAND SUPPORTED BY INDIAN REVENUES.

554. ***Mr. Gaya Prasad Singh:** (a) Are there military institutions in India or in England, supported by Indian revenues, but in which Indians are not admitted?

(b) If so, why? Will the Government be pleased to lay on the table a statement showing separately the names of such institutions, the amounts which they receive annually out of the Indian revenues, and the total amount which they have received up to date?

Mr. E. Burdon: (a) and (b). So far as military institutions in Great Britain are concerned, the attention of the Honourable Member is invited to the reply given on the 21st instant to unstarred question No. 83 asked by Baboo Runglal Jajodia.

There are no such military institutions in India.

EXPENDITURE IN CONNECTION WITH THE CONFERENCES OF PRESIDENTS OF LEGISLATIVE BODIES IN INDIA.

555. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to say if any part of the expenditure in connection with the holding of the Presidents' Conference is borne by the Central Revenues? If so, what is the total expenditure incurred up to date, and how many such Conferences have been held?

Mr. L. Graham: No expenditure in connection with the Conference of Presidents is borne by the Central Revenues.

RECRUITMENT OF CLERKS FOR THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

556. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to rule 2 of the rules published for recruitment of clerks for the office of the Accountant General, Central Revenues, which runs as follows?

"Candidates who have passed at least the Matriculation, School-Leaving certificate, or High Standard Examination, of any University in the U. P., the Delhi Province, or the Punjab, in the Second Division, will be eligible for the examination. Candidates of other Universities who are graduates, may also be admitted to the examination, if specially permitted by the Accountant General."

(b) Will the Government be pleased to state why discrimination has been made between the educational qualifications of different candidates for examination?

The Honourable Sir Basil Blackett: (a) It has been ascertained that there is such a rule.

(b) So long as a supply of efficient recruits is obtainable locally it is not advisable to engage men whose homes are distant on account of the inconvenience constantly caused when they require leave of absence for short periods for domestic purposes.

ARTICLE IN THE *SWARAJYA* OF THE 24TH DECEMBER, 1925, REGARDING
A SCENE AT EGMORE STATION.

557. ***Mr. C. Duraiswami Aiyangar:** (a) Has the attention of the Government been drawn to an article in the *Swarajya*, dated 24th December, 1925, under the heading "A scene at the Egmore Station"?

(b) Are the facts stated therein true?

(c) If so, who was responsible for the disorder?

(d) Why was the Station Superintendent not available?

Mr. G. G. Sim: (a) Yes.

(b), (c) and (d). Government have no information.

SUPPLY OF DEFECTIVE BUNKER COAL TO TROOPSHIPS AND HIRED
TRANSPORTS.

558. ***Khan Bahadur W. M. Hussainally:** (1) Is it a fact that Government troopships and hired transports usually take their supplies of bunker coal at Bombay or Karachi?

(2) Will Government be pleased to state the names of the firms at either of these places from whom such supplies were taken during the three years 1922-23, 1923-24, and 1924-25, as also the quantities, descriptions of coal and rates of such supplies?

(3) Is it a fact that the coal supplied to several such hired troopships and transports during the season 1923-24 at Bombay and Karachi was found to be of defective description and unsatisfactory quality? If so, will Government please name the vessels that were supplied with such unsatisfactory bunkers?

(4) Will Government be pleased to state the names of the firms who supplied such defective bunkers?

(5) Will Government be pleased to state what action, if any, was taken against the firms concerned for the unsatisfactory supplies effected by them, and referred to in part (3)?

(6) Will Government be pleased to state whether tenders were invited for supplies to troopships and transports at both the ports mentioned above during the season 1924-25? If not, how were the supplies arranged for?

Mr. E. Burdon: (1) to (6). I am making inquiries, Sir, and will communicate with the Honourable Member in due course.

GRANT OF OVERTIME ALLOWANCES FOR WORK ON SUNDAYS AND HOLIDAYS
TO THE INDIAN SUBORDINATES OF THE EAST INDIAN RAILWAY.

559. ***Maulvi Muhammad Yakub:** Is it a fact that only the Anglo-Indian and European subordinates on the East Indian Railway are granted an extra allowance for working on Sundays and gazetted holidays? If so, do the Government propose to extend the same privilege also to the Indian subordinates?

Mr. G. G. Sim: The reply to the first part of the question is in the affirmative. As regards the second part, the matter is under the consideration of the Government of India.

HOUSE RENT ALLOWANCES OF EMPLOYEES OF THE EAST INDIAN RAILWAY.

560. ***Maulvi Muhammad Yakub:** (a) Is it a fact that different treatment is meted out to the employees of the old East Indian Railway from the employees of the Oudh and Rohilkhand section of the same Railway, as regards house rent?

(b) If so, do the Government propose to extend the same facilities to the servants of the old section of the East Indian Railway which are given to the servants of the Oudh and Rohilkhand section of the same Railway?

Mr. G. G. Sim: (a) The rent rules on the old Oudh and Rohilkhand Railway and the portion previously worked by the East Indian Railway Company are slightly different.

(b) The Government have under consideration the revision of rent rules for State-worked Railways. The revised rules on adoption will apply to the whole system of the East Indian Railway.

APPOINTMENT OF INDIANS IN THE WATCH AND WARD DEPARTMENT OF THE EAST INDIAN RAILWAY.

561. ***Maulvi Muhammad Yakub:** (a) Is it a fact that there is only one Indian as Divisional Inspector and only three as Assistant Inspectors in the Watch and Ward Department of the East Indian Railway?

(b) Do the Government propose to fix a certain proportion of the above-mentioned posts for the Indians and issue orders that vacancies in future should be filled up by Indians until that proportion is reached?

Mr. G. G. Sim: (a) Government have no information.

(b) The Agent, East Indian Railway, has been made aware of the policy of Government that Indians should be increasingly employed in all departments of railway working, and this policy is being given effect to. The Government do not propose to fix any definite proportion for these particular posts.

ALLEGED FRAUDS IN THE STORES DEPARTMENT OF THE OLD EAST INDIAN RAILWAY.

562. ***Maulvi Muhammad Yakub:** (a) Is it a fact that a huge fraud has been detected in the Stores Department of the old East Indian Railway at Howrah?

(b) What are the facts relating to the fraud? What is the amount in respect of which the fraud was committed?

The Honourable Sir Charles Innes: (a) and (b). The attention of the Honourable Member is invited to the reply given in this House on 21st January last, to a similar question asked by Mr. Gaya Prasad Singh.

Mr. Gaya Prasad Singh: Will Government lay on the table the report of the officer who investigated into this case?

The Honourable Sir Charles Innes: I do not propose to do so.

Mr. Gaya Prasad Singh: Will Government be pleased to lay on the table a copy of the report of the auditor?

The Honourable Sir Charles Innes: As far as I remember there was no special report of the auditor. In any case I do not propose to lay that paper on the table.

Mr. Gaya Prasad Singh: Will Government let us know the names of the two high officials who were dismissed as a consequence of the detection of the fraud?

The Honourable Sir Charles Innes: I will communicate the names to the Honourable Member if he so desires.

CLASSIFICATION OF GUARDS AS "EUROPEANS" AND "INDIANS" ON THE EAST INDIAN RAILWAY.

563. ***Maulvi Muhammad Yakub:** Is it a fact that before the late Oudh and Rohilkhand Railway was merged in the East Indian Railway there was no such division amongst its Guards as "Europeans" and "Indians" and that after the merging this division is to be introduced amongst the Guards of the late Oudh and Rohilkhand Railway as well? Do the Government propose to remove this distinction from the whole East Indian Railway, at once?

Mr. G. G. Sim: The reply to the first part of the question is in the affirmative, and there is no intention to introduce such a division as referred to by the Honourable Member. As regards the second part steps are being taken to remove this distinction.

CONVERSION OF THE BRANCH POST OFFICE IN MANSIARI DISTRICT INTO A DEPARTMENTAL POST OFFICE.

564. ***Maulvi Muhammad Yakub:** Do the Government propose to convert the Branch Post Office in Mansiari District, Almora, into a Sub-Post Office or a Departmental Post Office?

Mr. G. P. Roy: The Mansiari extra departmental branch office (Almora) has been ordered to be made a departmental branch office with effect from the 1st February, 1926.

CASUALTIES DURING THE GREAT WAR AMONGST COMBATANTS AND NON-COMBATANTS RECRUITED FROM PARGANA JOHAR IN THE ALMORA DISTRICT.

565. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state the number of the combatants and non-combatants respectively recruited from Pargana Johar in the District of Almora during the Great War of 1914—19? How many of them were killed or died on the battle-field and how many were wounded?

Mr. E. Burdon: I regret that it is not possible to furnish the Honourable Member with the information which he desires as the records maintained by Government do not show the numbers recruited from parganas nor are casualty lists arranged territorially.

The total number of recruits furnished by the Almora District during the period from the 1st August, 1914, to the 31st March, 1919, the latest date up to which information is available, was 6,982.

SALE OF LAND SURPLUS TO MILITARY REQUIREMENTS IN THE
HYDERABAD CANTONMENT.

566. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state whether the land within the cantonment limits of Hyderabad which is not required for military purposes will be sold to the public, and if so, when?

(b) Have Government received any proposals from the cantonment authorities of Hyderabad for selling such land?

Mr. E. Burdon: (a) Government are not aware that there is any land within the Cantonment limits of Hyderabad which is surplus to military requirements.

(b) No proposals of the kind have been received from the Cantonment Authority.

TENDERS FOR THE SUPPLY OF SLEEPERS FOR THE LLOYD BARRAGE.

567. ***Mr. Harchandrai Vishindas:** (1) Has the attention of Government been drawn to the complaints in the Karachi newspapers that recently tenders were invited for the contract of sleepers and that the Executive Engineer, Lloyd Barrage, approved of the lowest tender and intimated the same to the tenderer, but that the Karachi Purchasing Agency accepted another tender of the second lowest tenderer by having his first quotation lowered to that of the original lowest tenderer?

(2) Was the usual practice of inviting tenderers to be present at the opening of tenders and declaring which was the lowest tender and accepting the same, unless a just preference could be given to another tender adopted in this instance?

(3) If not, why not?

(4) If the reply to part 1 of the question be in the affirmative, will Government be pleased to state if they propose to take any action in the matter?

The Honourable Sir Bhupendra Nath Mitra: (1) Yes.

(2) The usual practice of obtaining all tenders in sealed envelopes and opening them at a fixed time in the presence of any tenderers who may wish to be present, was followed, though no tenderers were present. It is the practice to accept the lowest tender unless there is a special reason justifying a preference as was the case in this instance.

(3) Does not arise.

(4) Yes. A detailed report was obtained from the Chief Controller of Stores.

Mr. Harchandrai Vishindas: Will Government be pleased to state what were the reasons for giving preference to this man, and not the lowest tenderer?

The Honourable Sir Bhupendra Nath Mitra: There are certain recognised rules laying down cases in which preference may be given to a person whose tender is not the lowest tender. One of the reasons may be

that the person in whose favour such a discrimination is made is considered to be more reliable than a person who may have quoted the lowest tender but who may not have the facilities for complying with the terms of the tender.

Mr. Harchandral Vishindas: The answer is hypothetical containing "may be". What was the reason in this instance?

The Honourable Sir Bhupendra Nath Mitra: I am not prepared to disclose the facts of these tenders. If I have to give the Honourable Member full details about this case, I will have to disclose the details of these tenders and I regret I am not prepared to do that. But, as I said, a report was obtained from the Chief Controller of Stores and I was satisfied that there was nothing wrong in the case though there may have been some indiscretion on the part of the particular officer.

Mr. B. Das: Is it not a fact, Sir, that this Lloyd Barrage is another Lloyd fiasco like the Bombay Development Scheme?

The Honourable Sir Bhupendra Nath Mitra: That does not arise out of the main question.

Sir Hari Singh Gour: May I inquire if it is not a fact that before a contractor's name is placed on the approved list, inquiry is made as to whether he is a capable and competent contractor able to discharge the duties entrusted to him, and whether tenders were invited and received only from contractors whose names are borne on the approved list?

The Honourable Sir Bhupendra Nath Mitra: Generally speaking the position which my Honourable friend mentioned is the correct position. But there is also such a system as open tenders; and even after we have brought on a particular contractor on the approved list, he may not be in a position to fulfil the provisions of a particular tender.

Baba Ujagar Singh Bedi: Will the Honourable Member explain what is the criterion for including people in the approved list?

The Honourable Sir Bhupendra Nath Mitra: I shall require notice of that question.

Mr. N. M. Joshi: May I ask if Government consider it legal to give information as to who is the lowest tenderer to another contractor? What is the method by which they can prevent frauds by their own officers?

The Honourable Sir Bhupendra Nath Mitra: I do not quite understand what the Honourable Member refers to, because the usual rule is not to disclose to another tenderer the facts connected with a particular tender.

Mr. N. M. Joshi: That is the usual rule. We want to know why that rule was not followed in this case and why the officer gave information to another tenderer as to what was the lowest quotation. We want to know the reasons. The whole thing looks suspicious.

The Honourable Sir Bhupendra Nath Mitra: No such allegation has been made up to the present. I have said that I have myself examined the matter. It is true that this particular officer committed a certain act of indiscretion, but steps have been taken which will obviate recurrence of such acts in future.

Mr. N. M. Joshi: I am glad to hear that.

Mr. Harchandrai Vishindas: The Honourable the Government Member said that he has been satisfied with the report of the Chief Controller. Would this report be available to the Members of this House in order that they may satisfy themselves?

The Honourable Sir Bhupendra Nath Mitra: No, Sir. I do not propose to place that report before this House.

Mr. Harchandrai Vishindas: May I know, Sir, what is the confidential nature of this report which prevents Government from disclosing its contents?

The Honourable Sir Bhupendra Nath Mitra: The matter is not one of such public importance that it is necessary for me to place it before this House. The matter is rather connected with departmental administration.

Mr. A. Rangaswami Iyengar: Is it the policy of the Government, Sir, that whenever they choose to accept tenders which are not the lowest but other tenders, they should not disclose any reasons to this House as to why they always accept tenders which are not the lowest but which, in their opinion, should be accepted?

The Honourable Sir Bhupendra Nath Mitra: The answer is in the affirmative. That matter at the present moment is for the discretion of the Executive Government

Mr. Harchandrai Vishindas: My first question was whether it is true that when the lowest tender was offered, the Store Purchasing Agency actually asked the next lowest tenderer to reduce his tender; and the answer by the Honourable the Government Member was in the affirmative. Therefore, he accepted the whole allegation in the first part of my question. If this was so, would not Government consider this to be a case of favouritism which might give rise to a good deal of jobbery in the future?

The Honourable Sir Bhupendra Nath Mitra: I have already said that the officer concerned did commit a certain amount of indiscretion, but there was no question of favouritism or jobbery. I am perfectly satisfied on this matter, and instructions have been issued which will obviate any departure from the rules on the subject in future

COMPLAINTS AGAINST THE KARACHI PURCHASING AGENCY OF STORES.

568. ***Mr. Harchandrai Vishindas:** (a) Are Government aware of the general complaints against the Karachi Purchasing Agency of Stores that its procedure with regard to the selection of tenders is not according to usage or consonant with a fair dealing towards tenderers?

(b) What action do Government propose to take in the matter?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). Government are aware that complaints have appeared in the Press against the Karachi Purchasing Agency. An inquiry has been made into the matter and Government consider that there is no foundation, generally speaking, for such complaints.

Mr. Harchandrai Vishindas: May we know what is the nationality of the agent of this Purchasing Agency against whom these complaints are made?

The Honourable Sir Bhupendra Nath Mitra: I am not sure, Sir, what his nationality is. He may be an Indian.

Mr. Gaya Prasad Singh: But if the Government have inquired into this matter, why did they not find out what is the nationality of the man?

The Honourable Sir Bhupendra Nath Mitra: When I was dealing with the matter I was not particularly concerned with the nationality of the officer. I was rather more concerned to stop an irregularity which might have crept into the procedure in an office under my Department. As I have already told this House, I have taken steps which will in future stop the recurrence of any possible irregularity.

Khan Bahadur W. M. Hussanally: May I know, Sir, if steps have been taken in regard to this officer, who, it is admitted, has committed an act of indiscretion?

The Honourable Sir Bhupendra Nath Mitra: He has been told so

Mr. Harchandrai Vishindas: Might I inquire whether at the time when the Government Member read this Controller's report he did not come across the name of the officer and from that he could not deduce his nationality?

The Honourable Sir Bhupendra Nath Mitra: I know the name of the officer, Sir, but I am not in a position to say what his nationality is

Mr. Harchandrai Vishindas: Might I tell the Honourable the Government Member that I know the nationality of that man. He is a European and not an Indian.

The Honourable Sir Bhupendra Nath Mitra: Then the Honourable Member should not have asked me the question.

Mr. N. M. Joshi: May I ask whether Government will repudiate the indiscretion of this officer with reasonable publicity?

The Honourable Sir Bhupendra Nath Mitra: No, I do not think that to be necessary.

RENEWAL OF COACHES AND WAGONS ON COMPANY-WORKED STATE RAILWAYS.

589. ***Dr. K. G. Lohokare:** Is it a fact that on some of the Company-worked State Railways having coaches and wagons on hand awaiting renewal at the cost of revenue account it is the practice to obtain new coaches and wagons as additions at the cost of the capital account?

Mr. G. G. Sim: The answer is in the negative.

Mr. K. Ahmed: Is it not a fact, Sir, that the Government have got friends amongst the suppliers whom they want to help and thereby help themselves as far as possible?

NUMBER OF SUPERIOR APPOINTMENTS HELD BY INDIANS IN THE GOVERNMENT OF INDIA SECRETARIAT.

570. *Dr. K. G. Lohokare: Will Government be pleased to state the total number of Secretaries, Joint Secretaries, Deputy, Under and Assistant Secretaries employed in the Government of India Secretariats? How many of these are Indians?

The Honourable Sir Alexander Muddiman: I lay on the table a statement giving the information required.

Statement showing the total number of superior posts in the Government of India Secretariat in January 1926.

Appointments.	JANUARY, 1926.	
	Total.	Indians ¹
Secretaries	14	1
Joint Secretaries	3	1
Deputy Secretaries	24	5
Under Secretaries	10	8
Assistant Secretaries	20	14
Total	71	29

Mr. K. Ahmed: Will the Honourable the Home Member kindly enlighten the House with regard to the pledge given to the Indian people that they will Indianize the services, whereas they are bringing Europeans in season and out of season instead of giving preference to Indians?

The Honourable Sir Alexander Muddiman: I do not think, Sir, that question arises out of the reply that I have given.

THE GOVERNMENT OF INDIA DIRECTORY.

571. *Dr. K. G. Lohokare: Is it a fact that the Government of India Directory includes among others, the names of all the gazetted officers employed in the Government of India Secretariats; if not, on what principle is the inclusion or non-inclusion of such names based?

The Honourable Sir Alexander Muddiman: The reply to the first part of the question is in the negative. As to the second part, the Government of India Directory was formerly a publication known as the "List of Principal Officials in India". That explains why it does not contain the names of all gazetted officers.

APPOINTMENT OF AN INDIAN TO BE A MEMBER OF THE RAILWAY BOARD.

572. *Lala Duni Chand: With reference to the reply given by the Government to starred question No. 284, put by Sheikh Sadiq Hussain on 12th February, 1924, will the Government be pleased to state whether they have made any efforts to find a suitable Indian to be a Member of the Railway Board and if so, what has been the result of those efforts?

The Honourable Sir Charles Innes: I would refer the Honourable Member to the reply given to question No. 388 in this House on the 27th January last.

Lala Duni Chand: Is there any prospect of a suitable Indian being found for the Railway Board in the near future?

The Honourable Sir Charles Innes: I think, Sir, there will be no more vacancies in the Railway Board for at least another two years.

Mr. A. Rangaswami Iyengar: May I ask whether the Honourable Member in deciding this question of the appointment of an Indian to the Railway Board on the present occasion was aware of the definite pledge given by the Honourable the Finance Member in this House that whenever a vacancy does arise the scales will be weighted distinctly in favour of the Indian and what he did with the pledge?

The Honourable Sir Charles Innes: I can assure the Honourable Member that every relevant consideration was given full weight.

Mr. Chaman Lall: Is it a fact that that pledge was actually given in this House?

The Honourable Sir Basil Blackett: Those were the words that I used and the procedure that we followed was to give them the fullest weight.

Mr. Chaman Lall: May I ask, Sir, if anything has gone wrong with the scales? (Laughter)

Mr. K. Ahmed: Are the Government aware that the Reforms will remain a dead letter unless Government make up their mind to take Indians into the services?

Mr. A. Rangaswami Iyengar: May I know, Sir, whether we are to take it that in spite of the scales being weighted no possible Indian was found to fill the vacancy in the Railway Board?

The Honourable Sir Charles Innes: I think everybody in this House is aware of the value of the work done by Mr. Sim in the Railway Board and will realize what an extraordinarily important post it is. They will also realize that in filling up that post we must get the very best man. I should like to assure the House that when we made that appointment we were fully aware of the disappointment that would be caused to the Honourable Members in this House. I beg them to believe that we took that very fully into consideration.

Mr. R. K. Shanmukham Chetty: From the reply given by the Honourable the Commerce Member, do I understand that there is no Indian capable of filling the post that has been occupied by Mr. Sim?

The Honourable Sir Charles Innes: What the Honourable Member has got to understand is that the best man for the post is not an Indian.

Mr. Gaya Prasad Singh: May I know what particular steps were taken by the Government of India, to find out whether any suitable Indian was available or not?

The Honourable Sir Charles Innes: I think the House will realize that the number of candidates for a post of that kind is limited.

Mr. K. Ahmed: Cannot the Honourable Member see on the opposite side of the House my friends Mr. Jinnah, Pandit Motilal Nehru and many other Members who are far better qualified than any or all of the Members representing the Government, both in merit and in ability. (Laughter.)

INCREASE IN THE PERCENTAGE OF INDIANS IN THE VARIOUS DEPARTMENTS
OF THE GOVERNMENT OF INDIA.

578. ***Lala Duni Chand:** With reference to the reply given to the question by Mr. Bhubanananda Das on the 12th February, 1924, regarding the percentage of the Indian officials attached to the various Departments of the Government of India, getting more than Rs. 750 per mensem, has there been any increase in the percentage since the question was answered, and if so, to what extent?

The Honourable Sir Alexander Muddiman: The information is not immediately available, but will be collected and supplied to the Honourable Member in due course.

EXPENDITURE ON THE TAXATION INQUIRY COMMITTEE.

574. ***Lala Duni Chand:** (a) Will the Government be pleased to state the total expenditure incurred in connection with the Taxation Inquiry Committee?

(b) What action did the Government take on the Resolution conveying the disapproval of this Assembly regarding the composition of the Taxation Inquiry Committee and the nature of its inquiry?

The Honourable Sir Basil Blackett: (a) Exact figures are not available yet, but roughly the cost of the Committee will be about 5 lakhs.

(b) I would refer the Honourable Member to the Finance Department Notification of the 22nd January, 1925, announcing the appointment of the Indian Economic Inquiry Committee.

RESOLUTION RE PROVISION OF CONVENIENCES FOR INDIAN RAILWAY
PASSENGERS.

575. ***Lala Duni Chand:** Will the Government be pleased to state whether the Railway Board have taken any, and, if so, what steps to give effect to the Resolution of Haji Wajihuddin regarding the provision of conveniences for Indian railway passengers that was adopted by this House on the 12th February, 1924?

Mr. G. G. Sim: The Honourable Member is referred to the answer given in this Assembly on the 21st January, 1926, to question No. 54 asked by Haji Wajihuddin on the same subject.

Lala Duni Chand: Has any progress been made since the question was answered last time?

Mr. G. G. Sim: The last reply was given only the other day—about three days ago. I do not know whether there has been any progress since.

Haji Wajihuddin: Are the Government aware that, instead of alleviating the grievances and improving the situation discussed in the said Resolution, the authorities of the North Western Railway have recently marked certain newly built very narrow-seated Intermediate class compartments

with the words "For 20 passengers" which compartments can hardly accommodate half the number in each of them, and whether since the reservation of European compartments in the same class has been removed, a consequent reduction in the total number of intermediate class compartments has been made on the said line? If the answer be in the affirmative, will the Government be pleased to draw the attention of the authorities concerned to the subject with a view to remove the public grievances in the matter?

The Honourable Sir Charles Innes: I would suggest that the Honourable Member put that question down.

REDUCTION OF FARES CHARGED BY STEAMER COMPANIES TO HAJ PILGRIMS.

576. ***Maulvi Muhammad Yakub:** (a) Is it a fact that the shipping companies which take the pilgrims to Jeddah have enormously increased their fares, and if so, do the Government propose to take measures for regulating the fares charged by the companies?

(b) Is it a fact that children are charged the same fares as grown up persons? If so, do the Government propose to frame regulations by which children up to the age of ten may be charged half fares, as is done by the Railways?

Mr. J. W. Bhore: (a) (i) The fares fluctuate from time to time according to demand and supply. The fares for last year which was an abnormal year cannot be taken as indicative of any permanent increase.

(ii) The answer is in the negative.

(b) (i) Yes, as far as the Government of India are aware.

(ii) The answer is in the negative.

Khan Bahadur W. M. Hussanally: Will Government take any steps for the purpose of making these fares stable to-day?

Mr. J. W. Bhore: I have already answered that question.

ALLEGED NEGLECT OF MUHAMMADAN INTERESTS.

577. ***Khan Bahadur Alimuzzaman Chowdhry:** (a) Will the Government be pleased to state whether they have read the presidential speech of the last All-India Muslim League and the resolutions passed thereon on the 30th and 31st December last, and a letter written by a moderate and loyal Member of the Legislative Council from Bengal published in the *Englishman*, dated the 6th January, at page 9, saying that the Government are more to blame for the culpable neglect of Muhammadan interests as the enlightened Hindus do recognise the claims of the Muhammadans and that they attach to the Government a greater part of the neglect towards the Muhammadans than the Hindus?

(b) Do Government sincerely propose to bring about a real solution of the problem of the entire population of India and improve their condition by removing the monopoly of a class and thereby end all strife between the different communities?

The Honourable Sir Alexander Muddiman: (a) Government have seen a newspaper report of the speech and the letter referred to.

(b) They are most anxious to do all in their power to end all strife between the various communities in India, but it is perhaps unnecessary to say that they do not admit that there is any foundation in the allegations in the letter referred to.

REPRESENTATION OF MUHAMMADANS IN THE VARIOUS LEGISLATIVE BODIES AND PUBLIC SERVICES.

578. ***Khan Bahadur Allmuzzaman Chowdhry:** (a) Are the Government aware that in the last All-India Muslim League held at Aligarh, a resolution was unanimously passed urging the Government that all the Legislatures and elected bodies should be constituted on the definite principle of representation of the Muslims without reducing their majority in any province to a minority or even to an equality in the majority provinces, like the Punjab and Bengal?

(b) If the answer be in the affirmative, do Government propose to take immediate steps in order to translate the same into action and revise the electoral rules and rolls of the constituencies of the provinces of Bengal and the Punjab and take all other steps ancillary to the above requirements, so that before the forthcoming election of 1927 effect be duly given to the resolution referred to in part (a)?

(c) Do Government propose to follow the aforesaid principle regarding the public services as well? If not, why not?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) The Government do not at present propose to reopen the question but the proposal will be considered when the constitutions of these bodies are next revised.

(c) The whole position is being explained in reply to a memorial received from Muslim Members of the Council of State and Legislative Assembly, which, it is hoped, will issue shortly.

MUHAMMADAN DELEGATE TO THE LEAGUE OF NATIONS.

579. ***Khan Bahadur Allmuzzaman Chowdhry:** (a) Are the Government aware that in the last All-India Muslim League held at Aligarh, some resolutions were passed regarding the question of Indians in South Africa, Iraq, which is a part and parcel of Jazirat-ul-Arab and the Mosul decision of the Council of the League of Nations, where India is also represented? Did the Government send any delegate, conversant with the situation and the whole circumstance, to the League of Nations from India this time?

(b) If the answer be in the affirmative, who are the persons and what are their qualifications on the subject?

(c) Is it a fact that the Government practically arranged with one Muhammadan, who is familiar with the subject, to send him as a delegate to the League of Nations, but as he did not finally agree to go, owing to reasons best known to the Government, the latter did not try to send another Muhammadan in his place at all?

(d) If the answer be in the affirmative, why did not the Government send another Muhammadan and what were the motive and the underlying policy in asking that Muhammadan gentleman to go to the League at all?

Mr. L. Graham: (a) and (b). Government have seen press reports of the resolutions referred to. The Honourable Member appears to be labouring under a slight misapprehension regarding the relevant facts. The session of the Assembly of the League of Nations in 1925 was in no way concerned either with the South African question or with the Mosul question. India is not represented on the Council of the League of Nations which dealt with the Mosul question. No question therefore arose of sending Indian delegates specially conversant with the South African and Mosul problems.

(c) No.

(d) Does not arise.

Mr. B. Das: May I inquire if Government made any representations to have representatives of India on the Council of the League of Nations where India is not represented?

Mr. L. Graham: The constitution of the Council is settled by the Covenant.

Syed Majid Baksh: Will the Honourable Member be pleased to state on what side the representative representing India on the League of Nations voted in the case of the Mosul Award?

Mr. L. Graham: If the Honourable Member had only heard what I said he would have known that there was no representative of India at that session of the Council because there could be no representative of India on the Council.

GRANT OF REFORMS TO THE NORTH-WEST FRONTIER PROVINCE.

580. ***Khan Bahadur Alimuzzaman Chowdhry:** (a) Are the Government aware that the All-India Muslim League passed a resolution urging the Government immediately to grant Reforms to the Frontier Province?

(b) Do Government propose immediately to translate into action the spirit of Reforms to that province and bring in their representatives to the Legislative Assembly and the Council of State by election and not by nomination?

Sir Denys Bray: (a) Yes, Sir.

(b) The question of Constitutional Reforms in the North-West Frontier Province is still under consideration.

Nawab Sir Sahibzada Abdul Qaiyum: Will the Honourable Member be pleased to state what are the difficulties which are facing Government in arriving at an early decision?

Sir Denys Bray: The intrinsic difficulties of a very important question.

Nawab Sir Sahibzada Abdul Qaiyum: Will the Honourable Member give the House an idea of the nature of those difficulties?

Sir Denys Bray: I should have thought, Sir, that nobody knew it better than my Honourable friend himself.

Nawab Sir Sahibzada Abdul Qaiyum: I should like to be enlightened on this subject.

Mr. M. A. Jinnah: May I know from the Government when they will come to any decision at all on the subject?

Sir Denys Bray: That question is also under consideration.

Mr. M. A. Jinnah: May I know whether the Honourable Member can inform us approximately what further time they require?

Sir Denys Bray: I understand that there is a motion down for discussion a week or a fortnight hence. Possibly the atmosphere in which that discussion takes place will enable one to approach nearer to the time of decision.

Mr. A. Rangaswami Iyengar: May I ask whether it is the intention of Government to shelve this question by having recourse to discussion in this House in the way in which the Honourable Member has suggested.

Sir Denys Bray: I cannot follow the implication but I can repudiate it

Sir Hari Singh Gour: May I beg to inquire whether it is not a fact that the Resolution of this House on the judicial separation of the North-West Frontier Province is about four years old?

Sir Denys Bray: Forty years! That is not a fact. The dates are completely wrong. I may point out that since that Resolution there has been a Committee that was sent to the Frontier and whose report is indirectly referred to in this question.

Mr. K. Ahmed: Since the spirit of reforms introduced in this country the Government are obstructing the reforms with regard to the North-West Frontier Province and are not bringing Indians elected by the people into the Central Legislature but by nomination only! Do the Government realise that there is no sense of justice in them and that it is they who are obstructing the reforms and not the people of India?

Mr. President: Order, order. There is an assumption contained in the Honourable Member's question.

REPRESENTATION OF MUHAMMADANS IN THE PUBLIC SERVICES, ETC.

581. ***Khan Bahadur Alimuzzaman Chowdhry:** (a) Do Government propose to take immediate steps to appoint more Muhammadans as their (Government) lawyers, police officers and in other services of the Government and grant the Muhammadans of Bengal an adequate percentage of representation in all the Legislatures on their population basis for safeguarding their interest and to protect themselves?

(b) Is it a fact that ignoring the claims of the Muhammadans, the Government have recently made both the appointments of Standing Counsel and the Advocate General? Could not the Government appoint a senior Muhammadan from the Calcutta Bar, equal in merit or better than the newly appointed Standing Counsel?

(c) Has the attention of the Government been drawn to the *Bengalee* of 10th January at page 4, under the heading "An amazing appointment", and to the issue of the same paper of the 16th January attacking the Government for such appointment?

(d) Do Government propose to consider in future or as soon as a vacancy arises the question of appointing an Indian (Muhammadan) as Standing Counsel of the Calcutta High Court?

The Honourable Sir Alexander Muddiman: (a) The Honourable Member is referred to the answer given by me to his question No. 578.

(b) The appointment of the Advocate General, Bengal, vests in His Majesty. In filling up the vacancy consequent on the appointment of Mr. B. L. Mitter to be Advocate General, Government have considered the claims of every class of eligible candidates including Muhammadans.

(c) Yes.

(d) The claims of all classes of candidates will continue to receive due consideration, but the determining factor will be the suitability of the candidate.

Mr. K. Ahmed: Is it not a fact that the Honourable the Home Member has something to do with the appointment of the Standing Counsel, as he wrote a letter for an interview and saw him before appointing this undeserving candidate as stated in the *Bengalce*?

The Honourable Sir Alexander Muddiman: Sir, I would draw your attention to the fact that the Honourable Member is reflecting on a very important Law Officer of the Crown.

Mr. President: Order, order. The Honourable Member is not justified in casting reflections on individual officials in season and out of season, as he has been in the habit of doing.

Mr. K. Ahmed: Without making any reflections, Sir, (Laughter) may I ask whether the Government has not pleaded ignorance to this Assembly, and as a matter of fact the Honourable the Home Member has been pulling the wire from behind?

Mr. President: Order, order.

APPOINTMENT OF AN ADEQUATE NUMBER OF MUHAMMADANS IN THE VARIOUS DEPARTMENTS OF THE ADMINISTRATION.

582. ***Khan Bahadur Alimuzzaman Chowdhry:** (a) Are the Government aware that the All-India Muslim League passed a resolution that it is imperative for the Government of India and the Provincial Governments to take speedy and suitable steps to secure the appointment of an adequate number of Mussalmans in the various departments of administration, so that harmonious progress and development of the general population may be ensured and the administration may enjoy the full confidence of the entire community?

(b) Do Government propose to give effect to it? If not, why not?

The Honourable Sir Alexander Muddiman: (a) Yes.

*(b) I would refer the Honourable Member to the reply given by me to part (c) of his question No. 578.

APPOINTMENT OF MORE MUHAMMADAN JUDGES IN THE CALCUTTA HIGH COURT.

583. ***Khan Bahadur Alimuzzaman Chowdhry:** (a) Will the Government be pleased to state how many of the Indian Judges of the Calcutta High Court are Hindus and how many are Muhammadans at present?

(b) Do Government propose to take immediate steps to appoint some more Muhammadans as soon as vacancies arise?

The Honourable Sir Alexander Muddiman: (a) There are at present 5 Hindu Judges and one Muslim Judge in the Calcutta High Court.

(b) As stated before in this House permanent appointments to the High Court are made by His Majesty under section 101 of the Government of India Act. Courts of justice are not representative institutions, and the main consideration in filling up vacancies in high judicial appointments must always be that of efficiency: subject to this the claims of individual Muslims no less than those of members of other communities must and will receive due consideration.

NUMBER OF HINDUS AND MUHAMMADANS IN THE GOVERNMENT OF INDIA SECRETARIAT, ETC.

584. ***Khan Bahadur Alimuzzaman Chowdhry:** (a) Will the Government be pleased to state how many Bengalis are now working in the Secretariat of the Government of India and how many of them are Muhammadans from Bengal, stating in full the number of Hindus and Muhammadans respectively in the Legislative and other Departments acting on a salary of Rs. 400 per month and upwards?

(b) Who were the Law Members respectively at the time when Messrs. Aiyar, Mushran and S. C. Gupta of the Legislative Department were first appointed? Were these vacancies advertised and applications invited for filling the same, or were these appointments made by private arrangements only?

(c) Is there any chance of the appointment of Muhammadans in these places, whenever vacancies arise?

(d) Do Government propose to remove the monopoly of one class and follow the official statement of the Government of Bengal announced on the 21st December, 1925, during His Excellency the Viceroy's stay in Calcutta, reserving the claim of the Muhammadans to 45 per cent.? If not why not?

The Honourable Sir Alexander Muddiman: (a) A copy of certain statements recently prepared showing the communal composition of the clerical staffs of the Departments of the Government of India and the offices attached and subordinate thereto in 1911 and 1925 is being supplied to the Honourable Member and a copy has been placed in the Library. Government do not think any useful purpose would be served by collecting fresh information in the form suggested.

(b) Mr. Aiyar, who is a member of the Madras Civil Service was selected during Sir Narasimha Sarma's term of office to officiate in the Legislative Department for a period of 5 months only. It would not be in accordance with established practice to advertise a vacancy of this character. I may add that at the time of his selection to fill the vacancy, Mr. Aiyar was attached to the Legislative Department for training and that his experience as Secretary of the Civil Justice Committee, to which I should like to render a tribute here, rendered him peculiarly fitted for temporary employment in the Department at the present time when the recommendations of that Committee are still largely under consideration.

Mr. Mushran who was not previously in the service of Government was personally selected by the then Law Member, Sir Tej Bahadur Sapru, for the appointment of second Assistant Solicitor. The appointment was not advertised.

Mr. S. C. Gupta was selected during the term of office of Sir Ali Imam to fill the appointment of Legal Assistant in the Legislative Department. The vacancy was not advertised but a number of applications were received. A determining factor in Mr. Gupta's selection was his previous experience in the Bengal Legal Department.

(c) Yes.

(d) I would again refer the Honourable Member to the reply given by me to part (c) of his question No. 578.

Mr. B. Das: May I ask a supplementary question with reference to the previous question? Is it the Parliamentary practice to ask questions about individual members of Government.

Mr. President: Order, order, it is entirely a matter for the President to decide.

Mr. B. Das: I bow to your ruling, Sir

REFERENCE OF THE INDIAN QUESTION IN SOUTH AFRICA TO THE LEAGUE OF NATIONS.

585. ***Pandit Nilakantha Das:** Will the Government be pleased to state:

(a) whether they have invoked the aid of the League of Nations either for arbitration or for conciliation in the matter of dispute between Indians and the South African Union Governments under articles 12 and 15 of the Covenant; and

(b) what steps the Government have taken so far with a view to redress the grievances of Indians in South Africa?

Mr. J. W. Bhore: (a) The attention of the Honourable Member is invited to the reply given by me on the 28th January, 1926, to parts (b) and (c) of Mr. B. Das' question No. 448 on the same subject.

(b) I would refer the Honourable Member to the statement made on the subject by His Excellency the Viceroy in opening the Session of the Legislative Assembly on the 20th January.

Mr. M. A. Jinnah: May I ask whether any further steps have been taken since then?

Mr. J. W. Bhore: Yes, Sir, we are in almost daily communication with South Africa.

Mr. M. A. Jinnah: Will the Honourable Member state what is the position to-day?

Mr. J. W. Bhore: I am afraid I cannot give the Honourable Member any specific information to-day, but I hope it may be possible to give him further information at an early date.

Mr. A. Rangaswami Iyengar: May I know if we are making any progress at all?

Mr. B. Das: May I suggest that the Government should take into consultation the leaders of the House every day in their conduct of these negotiations?

Mr. J. W. Bhore: I think my Honourable friend knows that we did take into consultation not only the members of the Standing Committee but also the leaders of the parties in this House and we were very glad to have the advice they gave and will be very glad to have their advice again.

Mr. Chaman Lal: Is there anything against taking them into consultation this Session?

Mr. J. W. Bhore: I did not say there was.

Mr. Chaman Lal: Will the Honourable Member consult the leaders of the House?

Mr. J. W. Bhore: I cannot give the Honourable Member any definite undertaking

THE SOUTH AFRICAN CLASS AREAS BILL.

586. ***Pandit Nilakantha Das:** Will the Government be pleased to state:

- (a) whether they have made any representation to the South African Union Government regarding the Class Areas Bill:
- (b) if so, when the said representation was made and how long after the Bill was introduced:
- (c) why they did not consult the Assembly and Council of State before making the said representations: and
- (d) whether Government will be pleased to place on the table of the House all correspondence that passed between this and the South African Union Government?

Mr. J. W. Bhore: (a) The Government of India have made representations regarding the Areas Reservation and Immigration and Registration (Further Provision) Bill

(b) and (c) The Bill in question was introduced in the Union Parliament on the 23rd July, and a copy of it reached the Government of India towards the end of August. Its provisions were forthwith examined and an opportunity was taken early in September of consulting the Standing Emigration Committee, which, as the Honourable Member is aware, is composed of representatives both of the Council of State and of the Legislative Assembly. The subject was also discussed in the Council of State on the 10th September, 1925, in connection with a Resolution moved by the Honourable Sir Deva Prasad Sarvadhikary. In the light of these discussions full representations were addressed to the Union Government regarding the provisions of the Bill.

(d) I regret I am unable to comply with the Honourable Member's request.

Sir Hari Singh Gour: May I beg to inquire whether the Honourable Member's attention has been drawn to a Bill recently read for the first time in the Union Parliament when there was a majority of one, namely, the Mines Employment Bill, and will he say how the Indians are affected thereby?

Mr. J. W. Bhore: I answered two questions on that very point recently, as my Honourable friend would have realised had he always been present at question time.

THE SOUTH AFRICAN ANTI-ASIATIC BILL.

597. ***Pandit Nilakantha Das:** Will the Government be pleased to state:

- (a) whether they have received any letter or suggestion from Mr. C. F. Andrews to press the Government of the Union of South Africa to postpone the Anti-Asiatic Bill?
- (b) what action they propose to take on his letter or suggestion?
- (c) whether they have any intention to ask the Paddison Committee to withdraw, if the Union Government do not agree to the postponement?

Mr. J. W. Bhore: (a) Yes.

(b) and (c). I would refer the Honourable Member to the reply given by me on the 25th January, 1926, to Diwan Bahadur Ramachandra Rao's question on the same subject.

SIR FREDERICK WHYTE'S BOOK ON FEDERAL CONSTITUTIONS.

598. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state:

- (a) what were the terms of reference of the investigation on which Sir Frederick Whyte was engaged, what was the object and purpose thereof, and what action the Government propose to take on his investigation;
- (b) what was the actual remuneration paid to Sir Frederick Whyte for this purpose and what was the total cost of this business?

The Honourable Sir Alexander Muddiman: (a) There were no terms of reference to Sir Frederick Whyte. As regards the other points raised in this part of the Honourable Member's question, I refer him to my reply to Mr. Ranga Iyer's question No. 508 yesterday.

(b) The total gross cost involved is approximately Rs. 12,000, including Rs. 9,888-5-4 paid as remuneration to Sir Frederick Whyte at the rate of Rs. 4,000 a month. We shall not know the net cost until we know how many copies were sold.

Mr. A. Rangaswami Iyengar: May I know for what purpose the Government of India undertook the publication of this book, whether for the purpose of issuing a text-book, or for propaganda?

The Honourable Sir Alexander Muddiman: My Honourable friend was present when I gave the reasons in my reply to Mr. Ranga Iyer.

Mr. A. Rangaswami Iyengar: May I know whether it was a matter of such urgency that this book should have been undertaken, having regard to the speech my Honourable friend made the other day on the Reforms?

The Honourable Sir Alexander Muddiman: I should have thought the Honourable Member would have known the urgency. It is very natural that we should wish to attract the best minds to the study of these problems.

Mr. A. Rangaswami Iyengar: May I take it that all on this side of the House did not know what provincial autonomy was and that it was considered necessary that we should be instructed?

The Honourable Sir Alexander Muddiman: Speaking for myself, I think I knew many of the facts published in that book, but there are many facts that I did not know, and if my Honourable friend would lay his hand on his heart, I think he would admit that too.

Mr. A. Rangaswami Iyengar: What is the immediate purpose of that book?

The Honourable Sir Alexander Muddiman: The immediate purpose is the desire of Government to interest the best minds of India in the constitutional problems which may arise and we expect will arise in India in the comparatively near future.

INQUIRY INTO THE SYSTEM OF COST ACCOUNTING IN THE MILITARY DEPARTMENT.

589. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state whether the work of the Committee to inquire into the system of cost accounting in the Military Department has completed its work and whether the report and the evidence given before it will be placed:

- (a) before the Public Accounts Committee; and
- (b) before the Assembly for discussion and necessary action?

The Honourable Sir Basil Blackett: The work of the Committee has not yet been completed. When the report has been received copies will be supplied to Members of the Public Accounts Committee and it will then be considered what further action is necessary.

ASSIMILATION OF THE INDIAN APPROPRIATION REPORTS TO THE CORRESPONDING BRITISH REPORTS.

590. ***Mr. A. Rangaswami Iyengar:** (a) Will the Government be pleased to state in detail the action that has so far been taken and the action that is proposed to be taken on the recommendation of the Public Accounts Committee for the purpose of carrying out the suggestions made by the Auditor General in his report of an inquiry into the possibility of assimilating Indian Appropriation Reports to the corresponding British Reports?

(b) Will the Government be pleased to state what action has been taken on the other recommendations made by the Public Accounts Committee in their report on the accounts of 1923-24?

The Honourable Sir Basil Blackett: (a) It is expected that the next appropriation report will be in the new form in accordance with the recommendations of the Public Accounts Committee. The Demands for Grants which will be placed before the House shortly will also be in a new form, altered in order to conform with the new appropriation accounts.

(b) The recommendations are under the consideration of the Government of India at present, whose decisions will, as usual, be incorporated in a Resolution which, it is hoped, will be published shortly.

ACCOUNTS OF THE GOVERNMENT OF INDIA FOR 1924-25.

591. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to furnish a statement showing the extent to which the accounts of the Government of India for 1924-25, so far compiled vary from the anticipations made in March last in the revised estimates of 1924-25?

The Honourable Sir Basil Blackett: I would invite the Honourable Member's attention to the reply already given by me to similar questions[†] by Mr. Rama Aiyangar.

Mr. A. Rangaswami Iyengar: May I know what is the difficulty for Government in stating the exact particulars in this matter?

The Honourable Sir Basil Blackett: The accounts have not yet actually been published. There is considerable difficulty always in arriving at exact figures.

Mr. A. Rangaswami Iyengar: May I take it that the accounts have not yet been closed?

The Honourable Sir Basil Blackett: I think the accounts have been closed, but they are actually in the Press.

Mr. A. Rangaswami Iyengar: When may I expect these figures to be available to the House?

The Honourable Sir Basil Blackett: I hope to give the Honourable Member a succinct and clear account of them when I give my Budget speech.

Mr. A. Rangaswami Iyengar: May I know if it is not possible to give them before the Budget?

The Honourable Sir Basil Blackett: It is usual to give them in the Budget, and I do not propose to give any special figures till then which are not included in the financial accounts before the public.

UNSTARRED QUESTIONS AND ANSWERS.

TRAIN CONTROLLERS ON THE EAST INDIAN RAILWAY.

89. **Maulvi Muhammad Yakub:** How many train controllers are there on the East Indian Railway? What is the proportion of Indians, Anglo-Indians and Europeans in these posts? What are the scales of pay for Anglo-Indians, Europeans and Indians? Is the nature of the duty of the Indians the same as that performed by non-Indians? What is the difference in the scale of pay due to? Are Indians provided with a similar type of quarters to that supplied to non-Indians?

Mr. G. G. Sim: The information is not available. Government are not prepared to collect the information. The Honourable Member is referred to the statistics published in the Report on Indian Railways for 1924-25 giving general information regarding the proportion of Indians amongst the employees on the various Railways.

**PAY OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE
OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.**

90. Maulvi Muhammad Yakub: Is it a fact that the maximum pay of "A" class station masters and assistant station masters on the Bengal and North-Western and East Indian Railways is Rs. 80 and Rs. 76, respectively, whereas on the Oudh and Rohilkhand section of the East Indian Railway the pay of station masters and assistant station masters has been revised to Rs. 75 and 55, respectively? If so, do the Government propose to raise the scale of the Oudh and Rohilkhand Railway staff also to the scale in force on the sister Railways?

Mr. G. G. Sim: Government have no information. But I would point out in this connection that scales of pay on the different Railways differ as they are determined with due regard to local circumstances and conditions, affecting the cost of living, the nature of duties, etc., Government do not propose to take action in the direction suggested

**APPOINTMENT OF MR. KENNEDY NORTH AS DECORATIVE ARTIST AND
DESIGNER OF THE NEW GOVERNMENT BUILDINGS AT RAISINA.**

91. Mr. A. Rangaswami Iyengar: (a) Will the Government be pleased to state whether the services of Mr. Kennedy North, the decorator and designer from England, have been engaged for the purpose of the correlation of arts and crafts in conformity with Sir Edwin Lutyen's designs? If that is so, will the Government be pleased to state the precise nature and extent of his work? How long will Mr. North stay in India? Will he after his departure from this country carry on the work that has been given to him?

(b) Will the Government be pleased to state Mr. Kennedy North's precise qualification for the proposed work and his experience of the conditions in India in the matter of arts and crafts?

(c) Are Government aware that Mr. North's appointment is inconsistent with the assurance given by them during the last Session in reply to questions by Messrs. Das and Joshi?

The Honourable Sir Bhupendra Nath Mitra: With your permission, Sir, I propose to answer this and question No. 93 together. I have nothing to add to the terms of my reply to question No. 234 by Lala Piyari Lal given on the 28th January, 1926.

**SCHEME FOR THE ENCOURAGEMENT OF INDIAN ART FRAMED BY THE
PRIZE OF DELHI COMMITTEE.**

92. Mr. A. Rangaswami Iyengar: Are Government in receipt of the scheme for the encouragement of Indian art framed by the Prize of Delhi Committee? Do Government propose to take any immediate and practical action in conformity with the demands embodied in that scheme?

The Honourable Sir Bhupendra Nath Mitra: The attention of the Honourable Member is invited to the reply given by me on the 28th January, 1926, to questions Nos. 392 and 411 by Maulvi Muhammad Yakub and Mr. Chaman Lal, respectively. The Local Governments have been addressed on the subject, and a copy of the letter is laid on the table.

GOVERNMENT OF INDIA.
DEPARTMENT OF INDUSTRIES AND LABOUR.

No. I.-184 (T.).

Dated Delhi, the 25th January, 1926.

From

The Hon'ble Mr. A. H. LEX, C.S.I., C.I.E., C.B.E., I.C.S.,
Secretary to the Government of India,

To

- (1) The Secretary to the Government of Madras, Development Department.
- (2) The Secretary to the Government of Bombay, General Department.
- (3) The Secretary to the Government of Bengal, Department of Agriculture and Industries.
- (4) The Secretary to the Government of the United Provinces, Industries Department.
- (5) The Financial Commissioner and Secretary to Government, Punjab, Development Department.
- (6) The Secretary to the Government of Burma, Department of Agriculture, Excise and Forests.
- (7) The Secretary to the Government of Bihar and Orissa, Education Department.
- (8) The Secretary to the Government of the Central Provinces, Revenue Department.
- (9) The Second Secretary to the Government of Assam.

SUBJECT:—*Proposed establishment of a Central Art Institute at Delhi.*

SIR,

I am directed to address you on the subject of a proposal to establish a Central Art Institute at Delhi.

2. Public opinion, as revealed in press comments which have appeared both in England and India, and also in resolutions at public meetings and in the Legislature, has shown a widening interest in the revival and stimulation of Indian art. The Government of India believe that there is a general feeling that there is need for an institution which will give advanced teaching in the fine arts a form of what may be called post-graduate study which such local Arts schools as exist at present are unable to supply. They believe also that it is commonly held that in the conditions prevailing in this country, it is necessary for Government to offer active assistance in the provision of higher Art education, if the artistic talent of the country is to obtain the full development to which it rightly aspires. Without expressing any opinion on the correctness of these statements, I am to draw your attention to a debate in the Council of State on the 28th of January, 1925, when after some discussion, a resolution was passed in the following terms:—

“This Council recommends to the Governor General in Council that he should at an early date consider the advisability of formulating a scheme of scholarships and prizes for Indian Art students engaged in painting, sculpture, architecture and the artistic crafts, and of establishing a central institution where the scholarship holders and prizemen may continue their work for a period of three or four years.”

It is in pursuance of that resolution that I am now addressing you.

3. I am to forward a copy of a note written by Sir John Marshall, Director-General of Archaeology, in which he outlines a scheme for the establishment of a central art institute, drawn up by him in consultation with the Principals of the Calcutta and Bombay Schools of Art. It should be understood that this scheme has no direct connection with the decoration of public buildings at Delhi, which will be treated as a separate matter. The scheme is intended solely to provide advanced training in the fine arts to Indian art students. It recognizes that this is a question in which the Central Government as well as the Provincial Governments are interested, and suggests a division of charges between those Governments.

4. I am to request that the Government of ^{Madras}~~Bombay~~ may favour the Government of India with their opinion both on the general question of the advisability of the establishment by Government of a central art institute and on the particular scheme

suggested in Sir John Marshall's note. If a central institute of the kind suggested meets with approval, the Government of India would be glad to know to what extent the Government of ^{Madras} ~~Bombay~~ would be willing to co-operate and contribute towards the financing of the scheme.
etc.

5. I am to say that the Government of India have as yet formed no opinion on the scheme, and they propose to await the views of Local Governments before doing so. They will welcome any criticisms or suggestions which the Government of ^{Madras} ~~Bombay~~ etc. may have to offer both on the general conception and on the details of the scheme. Points of detail, for instance, on which your Government may like to offer their remarks relate to the monetary value of the scholarships, the allowances of Provincial Directors, the division of charges between the Central and Provincial Governments and so on.

6. A rough estimate amounting to Rs. 2,05,000 of the initial cost of one section, as described in paragraph 12 of the scheme, has been obtained from the Chief Engineer, Delhi, and this estimate and sketch plans* are enclosed for the information of the Local Government. Some reduction of the estimate would, however, in all probability be possible if the students and superintendent were grouped in hostels, especially if one large hostel were constructed for all the provincial sections, a definite portion of the hostel being set apart for each Province. Also if the main institute buildings of each Province were grouped together in one building, it would be possible no doubt to design a more imposing institute than would be obtained by the construction of a number of small buildings. It would probably in any case be more useful and economical if there were a common library for all the sections and a common exhibition gallery.

I have the honour to be,

Sr,

Your most obedient servant.

A. H. LEY,

Secretary to the Government of India

Copy forwarded to the Hon'ble the Chief Commissioner of Delhi, for information.

By order, etc.,

S. LALL,

Under Secretary to the Government of India.

ENCOURAGEMENT OF INDIAN ART.

Note on the proposed establishment of a Central Art Institute at Delhi.

1. In fulfilment of a promise given by the Hon'ble Mr. Ley in the Legislative Assembly, the Government of India has had under consideration the question of giving encouragement to Indian artists by employing them on the decoration of the New Capital buildings at Delhi. At the suggestion of the Hon'ble Member for Industries, His Excellency the Viceroy consulted the undersigned and subsequently invited the Principals of the Calcutta and Bombay Schools of Art, as representing the two Presidencies chiefly concerned, to confer with him on the subject. A meeting of this Committee took place at the Viceregal Lodge on July the 15th and the following were the conclusions arrived at.

2. At the outset H. E. Lord Lytton sketched the history of the case and referred in particular to the publicity given to it in India and in England partly by the press, partly by the holding of public meetings, and partly by questions put in the Legislative Assembly or Provincial Councils. His Excellency expressed the hope that it would be possible for the Central Government to do something tangible at no distant date to meet the freely expressed wishes of the public, but at the same time he pointed

*Not reproduced.

† With 4 spare copies. Copy also forwarded to the ^{Department of Education, Health and Land} Finance Department† for information.

out the difficulty of the Government of India concerning itself with what is constitutionally a provincial and transferred subject. He recognised, however, that in a matter of this kind some elasticity might be necessary, and he also recognised that, unless action were to be taken by the Central Government, the Fine Arts could never hope to regain the broad national character which they once possessed. Accordingly, he asked the Committee to consider with him what steps the Government might reasonably take (assuming that a way could be found out of the difficulty alluded to) : first, for the employment of Indian talent on the decoration of New Delhi; secondly, for providing facilities for the advanced training of Indian artists.

3. The Committee agreed with His Excellency that these two objects should be kept quite separate, as there was not necessarily any connexion between them. No doubt the decoration of the buildings in the New Capital would be chiefly the concern of the Viceroy of the day with such advisers as he might care to consult, but the Committee were of opinion that any attempt to secure suitable designs by means of competitions among private artists would be doomed to failure, for the reason that Indian artists qualified to tackle important work of this nature do not at present exist. In the view of the Committee, the only possible way of enlisting Indian talent for this task would be by establishing at Delhi a Central Art Institute to which the most brilliant of the art students from all parts of India could be attracted, and where they could receive more advanced teaching in mural painting, sculpture and certain other branches of the Fine Arts. This Central Institute, the Committee thought, would solve both the problems indicated by His Excellency, since it would meet one of the most pressing needs now felt by Indian art, and at the same time put at the service of Government a body of really capable artists.

4. In the opinion of the Committee the deficiencies of existing Art Schools are mainly three. In the first place they are fundamentally local in their scope, with their horizon limited to the Province in which they are situated; secondly, they make no provision for the advanced graduate teaching which plays such an important part in Europe; thirdly, the majority of them are concerned rather with the minor applied arts and crafts than with the major arts of sculpture and painting. What is needed in order to remedy these deficiencies, is a Central Institute to which specially promising students can go after they have graduated at the local Schools of Art, where they can rub shoulders with artists from other parts of the country, studying one another's methods and thus gradually breaking down the system of water-tight compartments which is at present retarding the development of Indian art, and where, in a word, they can pursue their studies on broader and more stimulating lines. An Institute of the type contemplated by the Committee would be, not a new departure, but merely a logical extension of the system already in existence and tested by long experience. The members of the Committee emphasised their unanimous view that any scheme adopted by the Central Government must take full account of the established centres of Art activity, whether official or private; and that any additional machinery that might be set up, must be designed to run in harmony with them. In this connexion the Committee also laid stress on their view that the regional character of the Fine Arts, as developed in the several Provinces, must at the outset be maintained at Delhi, their idea being that a natural fusion of the several local styles will follow in course of time, and that it would not be wise to endeavour to hasten this fusion artificially.

5. As time goes on and the Institute develops, it may be found desirable to include architecture and some other branches of the fine arts among the subjects with which it is to deal. But for the present the Committee consider that these subjects should be strictly limited to painting and sculpture—the two branches which stand in most urgent need of assistance,—particularly as most of the applied arts and crafts with which the local schools are concerned, are essentially regional in character and depend for their stimulus and vitality upon their own special environment.

6. The fear expressed in some quarters that any further State encouragement of Indian art may result in unduly officializing and thus sapping the vitality of that art, is, in the opinion of the Committee, groundless. In France, where art is better understood than in any other European country, the State has always taken a prominent part in art education and patronage; and the art revival which is now making itself felt so widely in India is to a great extent the direct result of official effort. Should Government assistance not be forthcoming, there would be little hope for the future of art in this country. Politically, the Government of India stands in the place of the Mughal and the earlier kings who preceded it, and unless the Government is prepared to take the lead, as its predecessors did, in extending patronage and help to the fine arts, it is inevitable that those arts should go to the wall. The patronage of Government necessarily connotes a certain measure of control, but there is no reason why such control, if properly exercised, should not be highly beneficial.

7. Assuming that the Government of India and the Local Governments are willing to share their responsibilities in this matter, the Committee recommends that the Institute be jointly organised and controlled by them. For this purpose the Institute will consist of quasi-independent sections—one for Bombay, another for Bengal, another for Madras, and so on. Each of these sections will be under the control of its own Provincial Director, who will be appointed for a term of at least five years. The Directors of the Provincial Sections would most suitably and conveniently be the Principals of the Provincial Art Schools, which will thus maintain their own branches, as it were, for advanced teaching at Delhi. The working season at the Institute will last for eight months, *i.e.*, from September the 15th to May the 15th, with four months' vacation during the hot weather and a break of about three weeks at Christmas. During these eight months, the Provincial Directors will be in residence at Delhi for three months only, but each of them will be assisted by a whole-time Superintendent—preferably an Indian—who will reside on the premises for the whole of the working season.

8. The Institute as a whole will be governed by a Board composed of the Provincial Directors, with a President appointed by His Excellency the Viceroy. In all matters pertaining to the Institute the decision of this Board will be final.

9. The students or graduates will not at first exceed 30 in number, of whom there will not ordinarily be more than 8 in each Provincial Section, including a proportionate number of painters and sculptors. The students will be required to pass a prescribed test and will be provided by the Local Governments with scholarships of the value of Rs. 200 per mensem for a term of three years. They will also be allowed free quarters, if they so desire, at the Institute, and will be encouraged to undertake private commissions subject to the condition that Government will have a prior claim to their services at such rate of remuneration as may be fixed by Government in consultation with the Governing Board.

10. The method of securing admission to the Institute will be as follows:—The candidates will send in their applications according to the rules published by a Local Committee in each Province. Applicants will be eligible from all Arts Schools or kindred institutions, public or private, in India and Burma. Those candidates who are selected by the Committee will be admitted as probationers to undergo an entrance examination, which will be held locally in Bombay, Calcutta, and possibly some other centres under the control of the Governing Body. The syllabus of the subjects of the next examination will be drawn up by the Board during the period that the Directors of the Provincial Sections of the Institute are in residence at Delhi and this syllabus will offer alternative subjects suited to the artistic requirements of each Province. There will thus be no risk of standardizing Indian art, the test being, as far as possible, designed to bring out the best work of the students in different spheres of art, *viz.*, in the decorative, realistic and imaginative branches of painting and sculpture and in landscape painting. The work done in this entrance examination by the probationers will be submitted to the Board of Directors of the Central Art Institute. The reason that a test examination rather than the mere submission of students' work is considered desirable is that the Directors may be able to satisfy themselves that the work is the *bonâ fide* work of the students themselves.

11. At the expiry of the first term of three years students of exceptional ability, not exceeding four in number, will be eligible for Government of India fellowships of the value of Rs. 300 per mensem, which will enable them to stay at the Institute for a further course of two years. In no circumstances will they be permitted to remain beyond the period of five years.

12. The Institute buildings will comprise a self-contained section for each Province whose students are numerous enough to justify it. At first, some Provinces will probably not send to the Institute more than one or two students. Should this happen, it is suggested that the students might be admitted by country to one or other of the other Provincial Sections.

Each section will require:

- (a) A large studio of about 70' by 40' for painting.
- (b) A smaller studio of about 35' by 20' for sculpture.
- (c) Eight quarters for students, each consisting of a small work room, bedroom, kitchen and bathroom.
- (d) A studio of about 25' square and quarters for the Director.
- (e) Quarters, with work room and office, for the Superintendent.
- (f) A common room, including a small Library and necessary offices.

13. The number of Sections required can only be determined after the scheme has been referred to Local Governments. But in the meantime the Committee suggest that a rough estimate of the cost of each Section, calculated on a *plinth area* basis, might be obtained from the Chief Engineer at Delhi.

14. The following will be the principal items of expenditure which the Committee suggest might be divided between the Central and Local Governments in the manner indicated. The actual cost of each item cannot be arrived at until the details of the scheme are more developed.

To be charged to the Central Government.

- (a) Provision of site, say, 5 acres in extent.
- (b) Initial cost of buildings and furnishing of same.
- (c) President's remuneration.
- (d) Salary of one clerk, two peons and three chaukidars.
- (e) Annual maintenance of building and garden.
- (f) Four second term fellowships at Rs. 300 each, *per mensem*.
- (g) Printing charges connected with examinations and other sundries.

To be charged to Local Governments.

- (a) Remuneration of Provincial Directors.
- (b) Salaries of Superintendents at Rs. 800—50—1,000.
- (c) First term scholarships, say, 25, at Rs. 200 each, *per mensem*.
- (d) Travelling allowances for Directors and students.
- (e) Establishment charges for one clerk, three peons and one sweeper for each Section.
- (f) Cost of all working materials (paints, brushes, canvas, models, marble, wax, etc., etc.).

JOHN MARSHALL,

Director General of Archaeology.

July 20th, 1925.

Abstract of cost.

Abstract of cost.	Quantity or No.	Rate.	Per.	Amount.	Total
<i>Proposed Central Art Institute, Delhi.</i>		Rs. A. P.		Rs.	Rs.
Painting and sculpture studios and common room, library and office as per sketch plan	11,720 s.ft.	6 8 0	S.ft.	76,200	
8 Students Quarters	8 Nos.	3,200 0 0	Each.	25,600	
Quarters for Director and studio A-1892 with 3,500 added for studio		L. S.	...	85,000	
One Superintendent's Quarter A-1850	..	"	...	17,000	
Sanitary fittings, Water Sup- ply and Drainage	...	"	...	20,000	
Electric installation	...	"	...	15,000	
Levelling and layout com- pound	..	"	...	4,000	
Roads and Paths	...	"	...	2,000	
Compound walling and fenc- ing	...	"	...	10,000	
TOTAL	...	...	...	...	2,04,800

DECORATIONS IN NEW DELHI.

†98. **Mr. A. Rangaswami Iyengar:** Are Government aware of the resolution passed by a public meeting in November in Bombay demanding that all decorations at New Delhi should be stopped until due consideration and practical form is given to the scheme for the encouragement of Indian art formulated by the Prize of Delhi Committee?

ALLEGED OPENING OF A MAIL BAG BY THE SUB-DIVISIONAL OFFICER (CIVIL), SIRSA.

94. **Mr. Abdul Haya:** 1. Is it a fact that in October last when a mail peon was carrying a mail bag from Sirsa to Rania he was detained en route and that the bag was taken possession of by the Sub-Divisional officer (Civil), Sirsa?

2. Is it a fact that the Sub-Divisional Officer broke open the lock of the bag and handled its contents?

3. Is it a fact that the peon refused to take back the open bag after the Sub-Divisional Officer had done with it, and is it also a fact that he was brought back to Sirsa Post Office where the bag was revealed by the Postmaster and delivered to the peon?

4. Were the contents of the mail bag duly checked? If so, with what result? Were any of the contents found tampered with or were they found intact?

5. Were these facts brought to the notice of the Government, and if so what action have they taken in the matter?

Mr. G. P. Roy: 1. Yes.

2. Yes, except that the bag was not locked but tied and sealed

3. Yes.

4. The contents were checked and found correct.

5. No. I have asked the Postmaster-General, Punjab and North-West Frontier, for a report.

RECRUITMENT TO THE SUPERIOR SERVICES OF THE TECHNICAL AND STORES DEPARTMENTS OF THE INDIAN STATE RAILWAYS OF QUALIFIED MECHANICAL AND ELECTRICAL ENGINEERS OF THE MACLAGAN ENGINEERING COLLEGE.

95. **Mr. Abdul Haya:** (a) Have the Government so far considered the desirability of recruiting qualified mechanical and electrical engineers of the MacLagan Engineering College to the superior services of the Technical and Stores Departments of the Indian State Railways?

(b) If not do the Government propose to reserve for them some such posts in future?

Mr. G. G. Sim: (a) The scheme regarding the recruitment of railway officers in India is under consideration.

(b) Government do not propose to reserve posts for any particular college.

RESULT OF THE ELECTION TO THE PUBLIC ACCOUNTS COMMITTEE, 1926.

Mr. President: I have to announce that the following Members have 12 Noos. been elected to serve on the Public Accounts Committee:

Pandit Nilakantha Das,
Sardar Gulab Singh,
Mr. K. C. Neogy,
Mr. Ahmad Ali Khan,
Maulvi Syed Murtuza Sahib Bahadur,
Dr. K. G. Lohokare,
The Rev. Dr. E. M. Macphail, and
Sardar V. N. Mutalik.

RESULT OF THE ELECTION TO THE STANDING FINANCE COMMITTEE, 1926.

Mr. President: I have further to announce that the following Members have been elected to serve on the Standing Finance Committee:

Nawab Sir Sahibzada Abdul Qaiyum,
Mr. S. C. Ghose,
Captain Hira Singh Brar,
Rao Bahadur M. C. Naidu,
Mr. W. S. J. Willson,
Sir Darcy Lindsay,
Mr. B. Venkatapuraju,
Mr. N. M. Dumasia,
Maulvi Abul Kasem,
Raja Ghazanfar Ali Khan,
Mr. M. K. Acharya,
Maung Tok Kyi,
Mr. Gaya Prasad Singh, and
Syed Majid Baksh.

THE INSOLVENCY (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE

The Honourable Sir Alexander Muddiman (Home Member): Sir, with your permission I beg to lay on the table the Report of the Select Committee on the Bill to amend the Presidency-towns Insolvency Act, 1909. and the Provincial Insolvency Act, 1920.

RESOLUTION RE PROHIBITION OF BEGGARY AND VAGRANCY.

Mr. Abdul Haye (East Punjab: Muhammadan): Sir, the Resolution that stands in my name runs as follows:

"This Assembly recommends to the Governor General in Council that he be pleased to undertake legislation to prohibit beggary and vagrancy in India at an early date."

When I rise to move this Resolution, I do so with a confidence—a confidence which I am sure, before me, has not been the privilege of another Member to enjoy in this Assembly. The House, I feel, is going to accept this motion without a single dissentient voice, for opposition to a measure like this can only emanate from a person who is a member of the class against which this Resolution is directed and not from an Honourable Member of this Assembly. I also hope, Sir, that this will be one of those occasions, which of course are so rare in the history of this House, when the Treasury Benches will also condescend to see eye to eye with the representatives of the people. That they should adopt this course is obviously to their own advantage, for with the abolition of beggary, the practice of begging for Swaraj will also cease in this country, and they shall have more elbow room to discharge the onerous duties of their self-imposed trusteeship.

Of India it has been said that it is a land of stagnation. Submissive sadness is characteristic of its people. We here in this country have a morbid outlook upon life and we feel obsessed with pessimism. While we feel that this life is more or less a burden, people in the West are full of hope and are intensely active. Unlike ourselves they believe that the world is capable of indefinite improvement and have everlasting faith in individual and collective effort.

It is not my desire to dilate upon the causes and they are many—which are responsible for this state of inertia in this country. One is prone to think that lassitude in this unfortunate country is not entirely due to climatic enervation. This immense stock of imbecile inactivity and patience, this contemptuous disregard for time and its value that one sees around is due primarily, if not solely, to the institution of beggary. Beggars and fakirs in this country go about, Sir, from door to door, from morning till night, preaching their gospel of inactivity and laziness. By their sad, pessimistic and hackneyed songs they rob you of your enthusiasm to act like a man in this world. If this pessimism in India is to be dispelled by new forces of hope and faith, then this lowly calling of doing nothing and living upon the earnings of others must at once be abolished. No chain is stronger than its weakest link. It is equally true that the genius of a nation is best discovered by studying the conduct of its most humble members. Under the circumstances, one cannot be very enthusiastic about the future of a country, a great proportion of whose population deny their Master by refusing to avail themselves of the various gifts granted to them by their Creator.

The problem that we have before us awaiting solution is that this social system of ours that tends to produce drones and sluggards cannot long survive. Let me make myself clear that in my condemnation I do not refer to those who on account of some physical disability, disease or infirmity are driven into this profession. I only refer to those able-bodied persons who of their own free will choose to depend upon the bounty of whimsical people rather than work. It is not want but laziness that induces them to beg for a living. They take to begging because of their determination not to work, and also because not infrequently they consider it to be more lucrative and easy-going than any other profession. There are fakirs who are reputed to obtain far more from charity than they could possibly hope to earn from honest labour. It is due to this that we find that children of tender age are deliberately trained and initiated into this unproductive profession by their parents. It breaks one's heart to

[Mr. Abdul Haye.]

see them start on a life of begging; gradually their artless and innocent looking faces become shrewd and their manner whining and cringing. With their bellies very often full and their parents begging near by, these little urchins have the audacity to cry with forced tears in their eyes, "Our father is dead, our mother is ill; we have had no food for several days." With somewhat reluctant hands you unloosen the strings of your purse and throw out a coin believing them to be necessitous people. It is no exaggeration to say that beggars in India have made life intolerable. They themselves do not work, neither do they allow any other person to work. They are a regular nuisance to an ordinary citizen and perhaps the only practical method of avoiding that nuisance is to adopt the self-same profession. Early in the morning, while still in bed, you are prematurely roused from your sleep by the yellings of the beggars at your door. The very fact that in the cold weather, in the small hours of the morning, they can afford to move about and wander is proof positive that they are not physically unfit to earn their livelihood by honest labour. As the sun rises they continue pouring in. Some of them pretend to entertain you with a song and only succeed in distracting your attention. Some of them go about with a hurdy-gurdy which in some beggar families descends from father to son as a legacy, to keep them loyal and faithful to their time honoured and ancestral profession. While you are busy at your table preparing your brief the servant with somewhat indecent haste announces a new comer. "I suppose a new client, Sir." After you have wasted a quarter of an hour in irrelevant talk with him, you realise that the man is not a customer but a beggar in plain clothes. On the way to court one meets these ubiquitous people almost at every step. Some of them sit crouching on the side walks close to the court premises, predicting success to the adverse parties in the same breath. Very often one finds a robust looking young man, fully capable of doing a hard day's work, reclining on a piece of matting against a lamp post, pouring out rich notes into the evening air. Unlike that mumbling old woman lying in a heap against the rails, he has no justification to beg. Some of the beggars go about patrolling the streets playing oldfashioned tunes that coax pennies from the pockets of credulous people. At midday prayer time on Fridays, these beggars gravitate to the big mosques, and while the congregation is on their knees praying before an Almighty God, they prefer to wait and take their chance by asking for favours at the hands of His creatures. Even the inside of the mosque is not free from this nuisance. As soon as the prayer is finished, the respectable looking man on your right, with loose green robe on his shoulder and on his head a striped silk square falling in tasselled folds, rises to his feet and declares that there is no other laudable and charitable purpose in this world except to empty your pockets for his sake. One is simply surprised at the audacity of these beggars when one finds that beggary is very strictly prohibited in Islam. "It is unlawful" said the Holy Prophet (on Him be peace) for a healthy and able-bodied man to beg". In this connection it is worth while to mention the following incident which is reported as a reliable tradition in Islamic religious literature. It was an Ansari, who came to the Holy Prophet (on Him be peace) and he begged for alms. "Have you not got anything in your house", asked the Prophet. "Yes", said he, "I have a coarse blanket, a portion of which I spread underneath and I cover myself with the rest and I own a bowl out of which I drink". "Bring these to me" was the order given by the Holy Prophet. When the blanket and the bowl were brought

to him, the Prophet put them to auction and they were sold for 2 dirams. He gave these to the Ansari and said: "Spend one diram in feeding your people and in lieu of the other purchase a blade of axe and bring it to me". When the iron blade was brought to him the Holy Prophet with his own hand put a wooden handle into it. "Take this and go and cut wood and sell it in the market" said he. "Do not come to me for a fortnight but in the meanwhile carry on this trade". After a fortnight when the Ansari came he possessed 10 dirams. The Holy Prophet is reported to have said: "It is better that one of you should take his rope and bring a bundle of fuel on his back and sell it and thereby save his honour, rather than that he should throw himself on the mercy of others by taking to beggary".

Sir, the number of beggars in India is legion. One wonders whether the stars in Heaven are more in number or the beggars in this country. The statistics collected at the time of the last census show that in a population of less than 32 crores there are no less than 29 lakhs of beggars and vagrants, 20 lakhs being in British India and the remaining 9 lakhs in Native States and the Agencies.

In view, however, of the fact that at the time of the census no elaborate or independent inquiries are made to find out the real profession of a person and that a man is practically free to have his profession recorded according to his choice. We have very strong reasons to doubt the accuracy of these figures. They only show that at the time of the last census so many persons confessed that they were beggars, but there were undoubtedly others who were not prepared to make such an admission and their number was perhaps larger.

I have no hesitation in saying that barring agriculture there is no other profession in India which can claim more followers than beggary and vagrancy. Figures given under the following heads of Professions and Occupations in the Census Report undoubtedly include a fair proportion of beggars and vagrants also. These heads are:

- (1) Players of musical instruments.
- (2) Singers.
- (3) Reciters.
- (4) Conjurers.
- (5) Fortune tellers.
- (6) Acrobats.
- (7) Exhibitors of curiosities and wild animals.
- (8) Religious mendicants.
- (9) Pilgrim conductors.
- (10) Inmates of asylums and alms houses.

Further, there are more than one crore of people who are classed under the heading "insufficiently described occupations".

Taking all these facts into consideration, Sir, I make bold to say and without any fear of contradiction that every twenty-fifth man in this country is a beggar. If these fakirs are persuaded to shake off their lethargy and forced to work, they will prove a source of immense strength

[Mr. Abdul Hays.]

to the Government and to the people of this country. As to the possibilities that lie hidden in the successful adoption of this measure, I need only remind this House that in British India the number of beggars is far in excess of the number of persons who belong to that gallant, loyal and patriotic community, the Sikhs of the Punjab. If it is possible for the Sikhs to uphold the banner of the British Raj on many a battle-field, if it is possible for them to work for their own amelioration, if they can carry out urgent reforms in the teeth of opposition in a spirit of self-abnegation, there is absolutely no reason why these beggars who are more in numbers should hang round the neck of Mother India like a mill-stone and retard all progress.

Sir, I owe it to this House to explain why instead of bringing in a private Bill penalising beggary, I have chosen to put forward a mere commendatory Resolution. I know that so far as the desirability of bringing about this reform is concerned, there will be a general consensus of opinion. I however thought it more appropriate first to have the matter talked out in this Assembly so as to find out the lines on which it would be suitable to undertake this legislation. It was further my desire to find out if it was the intention of the representatives of some class or community to make exceptions in case of certain people on religious or other grounds.

So far as my community is concerned, I want to make it clear that we do not want any such exceptions to be made, for my religion enjoins that there is no mendicancy in Islam. Let there be one uniform legislation for all and if there is to be any saving clause, let it be in favour of those who are physically unfit to earn a living. Sir, I want legislation to be undertaken in this connection on the lines of the Vagrancy Act now in force in England. As a condition precedent to this legislation, it will be necessary to establish workhouses for poor and indigent people so that it will not be open to an accused person to plead that he is unable to find work although he has made an honest effort to do so. Let me here point out that I fully endorse the opinion expressed by my Honourable friend Mr. Calvert the other day in this House that, so far as unskilled labourers are concerned, there is no dearth of employment in India. Nevertheless, it will be necessary for us to establish poor houses in all the districts of the various Provinces, and I would strongly urge that these be placed under the direct control and management of the Department of Industries with some Swarajist Member at the head of this department in the near future, and it will be a sight to witness the ex-beggar working the spinning wheel quietly and contentedly and adding to the resources of the Motherland. It is expected that in course of time these poor houses will become self-supporting and cease to be a burden on the finances of the Government. When more money is available, I would suggest that gradually suitable allowance should also be made for infirm and indigent persons by the Government in co-operation with local authorities and civic organizations. Persons suffering from blindness, sickness, mental disease or other infirmity are better cared for in institutions specially maintained for them. In such institutions they will be made to work to the extent that they in spite of their disabilities can afford to do. In this manner they will cease to be a mere burden and will not escape their share in the national life. I only want to strike those who prey upon humanity and for whom India

has no need. India expects every man to do his duty and the initial duty that a man owes to himself is to justify his existence by earning his wages. In the words of Rudyard Kipling:

"From forge and farm and mine and bench,
Deck, altar, outpost lone—
Mill, school, battalion, counter, trench,
Rail, senate, sheepfold, throne—
Creation's cry goes up on high
From age to cheated age;
Send us the men who do the work
For which they draw the wage.
Words cannot help nor wit achieve,
Nor e'en the all-gifted fool,
Too weak to enter, hide, or leave
The lists he cannot rule.
Beneath the sun we count on none
Our evil to assuage,
Except the men who do the work
For which they draw the wage.
Wherefore to these the Fates shall bend
(And all old idle things)
Wherefore on these shall Power attend
Beyond the grip of Kings:
Each in his place, by right, not grace,
Shall rule his heritage—
The men who simply do the work
For which they draw the wage."

Sir, I move this Resolution and commend it to the serious and sympathetic consideration of this Assembly.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I beg to move:

"That for the original Resolution the following be substituted:

'This Assembly recommends to the Governor General in Council that he be pleased to take immediate steps to consult the Local Governments and Administrations whether it is possible to stop beggary and vagrancy in India by legislation and to place the opinions received before the House during its next Session.'

It would appear from this amendment that I do not wish that this Resolution of my Honourable friend should be negatived outright. What I wish to suggest is that Local Governments should be consulted. They will be the best to advise us whether legislation would be proper and whether it could stop the evil. It is very easy to undertake legislation. But the question is whether, if there is no public support behind it, or if the habits and customs of the different places differ, the proposed legislation will be effective in stopping the evil. My Honourable friend has, I regret, dragged the name of Islam and the Great Prophet of Islam into this ordinary matter. Beggary and vagrancy are condemned everywhere, and so it is no credit to any particular religion that it should condemn them. It is condemned everywhere, and in every society. Every moral code, every religious code, condemns it. Sir, it is no good dragging in the name of Islam and the Great Prophet of Islam in this very small matter, unless it be the intention of the Mover to get the sympathy of the people who do not understand the position. I am also sorry that he has in certain ways overdrawn the picture. Everybody knows that there are beggars and I agree that they are a nuisance. But it is not the case, as has been pointed out, that every morning, as soon as we get up, beggars come in and trouble us. The question now to be gone into is whether the customs and habits of the people are such that such legislation is necessary. No doubt it is a very

[Khan Bahadur Sarfaraz Hussain Khan.]

vast question. India is more or less a sub-continent and the habits of the people differ very much. There are different habits and usages in Madras and there are different habits and usages in Bombay, and so on. It may be possible that in the Punjab such legislation may do some good but the same may not be the case in Madras and Bombay. Besides some people think it a meritorious act and an act of piety to give alms to beggars. It is their custom and unless you change the custom, how can you stop the evil. Again, beggary and vagrancy are a result of unemployment. Unless you remove the unemployment you cannot check beggary and vagrancy. There are some people who have been from their very birth taught to give alms, and some people take a delight in paying something to beggars. Out of ordinary custom they pay something to them.

Also, it seems to me that the agitation for removing this has not come from the upper class. I have not seen anything in the papers agitating for this. So I do not think that legislation should be thrust upon the people. I have not said anything against the Resolution and I have not opposed it. But I wish that the Governor General in Council should be pleased to consult Local Governments and Administrations as to whether they consider that legislation on this question would check the real evil, for which this Resolution has been brought. They are the best to advise us on this point. The Central Government cannot be in a position to know the conditions in the different provinces as much as the Local Administrations in the provinces themselves. That is why I wish that Local Governments be consulted, and that the matter should not be thrust here. When we have received all the opinions we will have better materials, and I have suggested that the Government may be pleased to place the opinions before the House during its next Session. These are my reasons, Sir, for moving this amendment. I hope that the Resolution will then come before the House. I therefore suggest that the Government of India may be pleased to consult Local Governments and Administrations before taking any steps. I formally move my amendment.

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I do not rise to move my amendment which runs thus:

"That for all the words after the words 'he be pleased' the following be substituted:

'to take steps for the establishment of destitute homes for beggars and vagrants.'"

After hearing the speech and the amendment or rather the alternative proposition of my friend, Khan Bahadur Sarfaraz Hussain Khan, I do really think that it is a better substitute both for the Resolution as amended by me and for the Resolution itself. Sir, while listening to the speech of the Honourable Mover of the Resolution I was rather surprised at the exaggerated picture that he drew about beggars in India and in the East

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): No, no. Not half strong enough.

Mr. O. S. Ranga Iyer: . . . exaggerated from a comparative point of view because he seems to believe that there are no beggars in England.

Mr. Ghaman Lall (West Punjab: Non-Muhammadan): No.

Mr. O. S. Ranga Iyer: Mr. Chaman Lal says "No"!

Mr. Chaman Lal: You have got the Poor Law.

Mr. O. S. Ranga Iyer: Mr. Chaman Lal adds "You have got the Poor Law" I am quite conscious of the fact that there is the Poor Law in England. But Mr. Chaman Lal knows as well as certain other Members of this House that there are dodges by which the beggars in England get round the Poor Laws.

For instance, Mr Chaman Lal has come across in the streets of London match-sellers, bootlace-sellers, unlicensed hawkers peddling petty articles. These people sell matches or pretend to sell matches to those who give them a few pence without buying the matches,—similarly others also. He is also aware of the fact that children, grown up boys and women stand near the taxis, opening the doors and doing things of that kind for "tips". He is also aware of the fact that there are ex-soldiers and others singing songs or playing on violins in "pubs" while the women go to drink liquor in those liquor shops. Various other forms of beggary are in vogue in England. I need not dilate on this aspect now. I know that the Poor Laws have not worked satisfactorily in England. I will presently commend to those who think that the English practice should be translated to this country the recommendations of the Poor Law Commission of 1834 and then they will find that the state of things was not so very satisfactory even in England.

In India beggary is elevated to the level of religion. The sanyasin, according to the Hindu religion, is a beggar. The beggar's bowl is a symbol of renunciation in this country and there will be very many difficulties when you put power in the hands of the Government prohibiting beggary. I do not think the Government will be happy to have that power themselves. I see the Honourable the Home Member smiling approvingly when I say that Government will not like to have such power in their hands because they will have to imprison thousands of sanyasins who are vagrants, it being a part of religion to become a spiritual vagrant after a particular period of one's life. A sanyasin is nothing but a religious vagrant on migrant wings,—“a wander bird” in the forests, whom the Government cannot put in cages and, therefore, I think that this is a futile Resolution. However, it will be very nice to add to the literature on the subject of beggary and the proposition of my Honourable friend, Mr. Sarfaraz Hussain Khan, promises to add to the literature if it is accepted by Government because you will have the opinions of Local Governments and Administrations on the matter.

Now, Sir, I will read to the House how the Poor Law worked in England because my Honourable friend, the Mover, seems to think that once we introduce legislation prohibiting beggary in this country there will be an end of lotus eaters, there will be an end of laziness, there will be an end of beggars and vagrants. It is absolute nonsense, because once we introduce poorhouses and a Poor Law in this country you will have a large number of beggars and vagrants. Already our people are not very fond of working. The climate is against it, they are considerably overrated by the climate, and the tendency of the people is not to do much work. Among the masses are a set of idlers. . . .

Pandit Shamial Nehru: No.

Mr. C. S. Ranga Iyer: are a set of idlers for the simple reason that they do not have work. The peasants for six months in the year do not find work. My Honourable friend, Pandit Shamlal Nehru, says "No". He knows the masses living in Allahabad, but he does not come into contact with the general masses I am afraid. He only comes in contact with that class of masses known as the *ekkawallas* who are very busy from morning till evening. (Laughter.) As a member of the Labour Union he can certainly do good work. . . .

Pandit Shamlal Nehru: I am not a member at all.

Mr. C. S. Ranga Iyer: At any rate, as one of the future members of the Labour Union. (Laughter.) But the masses living in the distant villages do not have work all the year round. They have a tendency to idle away, because they have no occupation at hand and they have no work. If you introduce poorhouses in this country without finding work for idle hands, they will flock to these houses. At any rate, I do think that the masses in this country are certainly not more fond of work than the masses in England, and I think this is a proposition which no one in this House will dispute, because the climate of England, the tendency of the people, and everything else there are very much towards work and if they do not work that is another matter. Even in a country like England the Poor Law has not worked well and the poorhouses have become the refuge of idlers and an engine of laziness. This is what the Commissioners of the Poor Law Commission say in their report:

"The worst results (of the old Poor Law system of indiscriminate out-door relief), however, are still to be mentioned. In all ranks of society the great sources of happiness and virtue are the domestic affections, and this is particularly the case among those who have so few resources as the labouring classes. Now, pauperism seems to be an engine for the purpose of disconnecting each member of a family from all the others; of reducing all to the state of domesticated animals, fed, lodged, and provided for by the parish, without mutual dependence or mutual interest."

Do you want a repetition of that in this country which is a much bigger country and much more difficult to control?

"The effect of allowance', says Mr. Stuart, (a member of the Commission), 'is to weaken, if not to destroy, all the ties of affection between parent and child. Whenever a lad comes to earn wages, or to receive parish relief on his own account (and this, we must recollect, is at the age of fourteen), although he may continue to lodge with his parents, he does not throw his money into a common purse and board with them, but buys his own loaf and piece of bacon, which he devours alone. The most disgraceful quarrels arise from mutual accusations of theft; and as the child knows that he has been nurtured at the expense of the parish, he has no filial attachment to his parents. The circumstances of the pauper stand in an inverted relation to those of every other rank in society. Instead of a family being a source of care, anxiety, and expense, for which he hopes to be rewarded by the filial return of assistance and support when they grow up, there is no period in his life in which he tastes less of solicitude, or in which he has the means of obtaining all the necessities of life in greater abundance; but as he is always sure of maintenance, it is in general the practice to enjoy life when he can, and no thought is taken for the morrow. Those parents who are thoroughly degraded and demoralised by the effects of 'allowance' not only take no means to train up their children to habits of industry, but do their utmost to prevent their obtaining employment, lest it should come to the knowledge of the parish officers, and be laid hold of for the purpose of taking away the allowance.'"

I need not read any more of these quotations, but every time an opportunity occurs this class of people try to seek shelter under the Poor Laws and in

the poorhouses. The Commission contrasted the dwelling house of the ordinary poor worker and the man who seeks shelter in the poorhouses. The poor-house-lazy-beggar always accumulates filth in his house, his house is so dirty that it is absolutely impossible to live, while the poor man who does not get so much allowance as the lazy beggar in the poorhouse tries to keep his house neat and clean. I wish those who do not agree with me would go through the valuable report of the Poor Law Commission and they will understand what it will amount to in a huge country like India with its 300 million inhabitants. In Great Britain you have got a population of 45 millions whereas in India you have got 300 millions, and in such a country as this, where begging is sanctified by religion—the sanyasis are beggars and nothing but beggars,—their Kamandulu is their begging bowl—in such a country I do not think it is proper to enforce prohibition.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): What is the urgency?

Mr. C. S. Ranga Iyer: As my Honourable friend, Diwan Bahadur Rangachariar, rightly says, where is the urgency? Do you want an accumulation of idlers whose song will be:

“Then drive away sorrow and banish all care
For the parish is bound to maintain us.”

That will be the destiny of this country under the regulation which my Honourable friend from the Punjab,—or perhaps friends from the Punjab—want to undertake. As for the new Poor Law I need not go into the working of it because I do not think I should prevent other Members from talking on the subject by referring to it at length, but I will certainly bring to their mind the terrible figures in the matter of cost. The amount raised by rates to meet the Poor Law expenses in the year before the war was £12 millions. The amount so raised in the financial year '21-22 is estimated at £35,700,000. In a country like England, that, and in India you can imagine the expense! We had a Resolution only the other day on the unemployment of the middle classes, educated men who do not find employment. Now you want Government or the people, because it is the taxpayer ultimately,—you want him indiscriminately to provide poorhouses for the beggars by prohibiting beggary altogether. Provide for the decrepit, the diseased and the destitute by all means, but we are asked to vote for a thoroughly futile, almost a mischievous, proposition, stimulating beggary, stimulating laziness and putting a premium on idleness. Such a proposition should be rejected without mercy, but my opinion is that the Local Governments and Administrations may be consulted on a question of this kind because it makes for the accumulation of the literature on beggars.

The Honourable Sir Alexander Muddiman (Home Member): If I rise rather early in this debate, it is with the object of bringing the House back rather more to the actual terms of the Resolution and the actual difficulties in the way of giving effect to it. I do not think the House will expect me to make any long speech on this Resolution. My Honourable friend who moved the Resolution apparently lumped all classes of beggars and vagrants together. Now, as far as I know, a beggar and a vagrant are very different people. What the Mover of the Resolution asks in the

[Sir Alexander Muddiman.]

end is that Government should undertake legislation on the lines of the English Vagrancy Acts. I have no doubt that vagrants will be greatly pleased with the idea but at any rate I am glad that I have secured at least one man who will vote for hard labour as a punishment under section 109. With the Honourable the Mover's general observations on the necessity for industry, I am in full agreement. I have had to work all my life and I do not see why other people should not work too. But to make laziness penal in all cases is rather a strong proposition. I was also struck by the fact that he did not seriously contemplate the full effect of the terms of his Resolution. He himself referred to the fact that in India in certain circumstances it is the person who gives who acquires merit. In other words I understand that to some persons of this country it is almost a sacred duty to give just as to receive is to enable others to acquire merit. I have myself seen with great interest in some of the places which are considered very holy by many people in this House persons of great veneration certainly receiving offerings but I do not think any one could call them beggars in the ordinary sense of the term. It is the apotheosis of begging. Again, as the House is aware, in the case of the *hyoongyis* of Burma, who form a considerable part of the population of Burma, it would be impossible for any Government which is not insane to bring in legislation to prohibit begging.

Then, on the general point of legislation, of course I admit that the sturdy beggar, the vagabond in fact, is a problem which should be dealt with by the Government of India as part of the general criminal law of the land. I am endeavouring to deal with it and I am sure the House will support me in the steps I have already taken in bringing forward a measure on this subject. I may remind the House that a vagrant is defined as a vagabond. I will not go through the whole long list of persons who can be dealt with under the Vagrancy Acts of England, but I will refer to the main classes specified in Wharton's Law Lexicon. They are "idle and disorderly persons," "rogues and vagabonds" and "incorrigible" rogues and I may say that the English law on the subject is extremely stiff with these classes of persons. I do not know if that is the kind of legislation which my Honourable friend wishes me to introduce in this country. The only constructive suggestion that he made was that he wanted legislation on the lines of the Vagrancy Act. I will not proceed further into this point, because I do not think there is much use in my going through the whole provisions of these Acts.

The second point I wish to make is this. In so far as vagrancy is not part of the general criminal law of the land, the whole problem is one for Local Governments and Local Administrations. Many of the Police and Municipal Acts have provisions which are exceedingly suitable in the places for which they are enacted. They would be suitable to ordinary villages in the mufussil. And here I pause to make a comment. I do not agree with my Honourable friend that the Indian agriculturist is a lazy man. I wish to pay my tribute to him. I regard him as one of those persons who, like the peasants in England, are the backbone of their country. As I said, there are already in various Municipal and Police Acts provisions which are reasonable enough. For example, begging in a public place is punishable under the Madras City Police Act. Exposing mutilations and begging in an importunate manner is also punishable under the Bombay Act. You will find similar provisions in Calcutta.

Pandit Sham Lal Nehru: The United Provinces Municipal Act gives full powers to municipalities, but the municipalities are too soft-hearted to take action.

The Honourable Sir Alexander Muddiman: I have myself observed it with much interest. I was recently in Calcutta and I was much struck by the great increase there in the number of beggars in public streets. The point that I wish to bring forward in connection with my present argument is that this is a matter which should be dealt with by the Local Governments and by municipalities. It would be quite unjustifiable for the Imperial Government to attempt to deal with it by legislation of an Imperial character. Then the question was raised as to poor-houses and workhouses. Workhouses in England are in my judgment anything but a success. Again that is a matter for the Local Governments. It is obviously not a question for the Government of India. I do not think my friend who is in charge of Industries would at all welcome the idea that we should have a series of Imperial Workhouses throughout India. I may further point out that so far from the workhouses in England being self-supporting, as apparently my Honourable friend thinks, they are a very heavy charge on the rates as those who have to pay them know to their cost. For those beggars who are afflicted with physical infirmities one can have nothing but pity and one may hope that in time India will fall into line with what other countries have done in this matter and by private benevolence and generosity establish asylums and other institutions. Something has been done on these lines but much remains to be done. That again must be a matter for local effort mainly, for non-official effort, though I am sure the Local Governments will always lend their support to sound schemes of that kind.

Therefore, I have no hesitation in asking the House unanimously to reject the main Resolution. As regards the amendment, my Honourable friend Mr. Ranga Iyer said it will add to the large volume of literature accumulated on the shelves of the Secretariat. I am inclined to agree with him. I do not think the House will be in favour of it and I certainly am not. The discussion has not been entirely without use. It may attract the attention of Local Governments to a consideration of their own special problems. It would be useless and futile for the Government of India to collect information on a matter that does not primarily concern them and which is essentially one for local legislation. I, therefore, oppose both the Resolution and the amendment.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): I had given notice of a very short amendment to Mr. Abdul Haye's Resolution which was intended to bring out the following point, that this Assembly recommends to the Governor General in Council that he be pleased to undertake legislation to regulate and control beggary and vagrancy at an early date, and I do not think the Honourable the Home Member will have any objection to accept the Resolution as amended by me. I quite recognise the difficulties of legislation on this question of beggary but at the same time I wish to draw the attention of the House to the fact that in the last Census Report of 1921, we find that no less than 30 lakhs of persons are recorded as beggars, vagrants, witches and wizards in British India and about 20 lakhs in Native States and in Agencies and elsewhere 8 lakhs, altogether 58 lakhs. It is pointed out in the Census Report that beggars and vagrants in this country who have

[Sir Hari Singh Gour.]

been returned as such average almost 1 to every 106 persons. But in point of fact their number is still greater as to that class must be added saints and fakirs who live by beggary. And the beggars are in large force in the cities of Calcutta and Bombay where the figures given are 9,882 and 6,601, respectively. Now, I ask the House, Sir, that while we are not able to legislate for beggars as a class we might be able to regulate and control beggary in public places, such as public markets, public roads, courts, railway stations and so on. And I submit if legislation is undertaken on those lines it would be central legislation because Railways are not a provincial but an all-India central subject. I therefore ask, Sir, that the Central Government should undertake some legislation for the purpose of regulating beggary in public places. It would not necessitate the construction of workhouses. All that the law would enjoin is the prohibition of beggary in public places where people congregate. The sight of diseased and deformed beggars exhibiting their deformities on roadsides and in markets, courts and railway stations is, I submit, a public nuisance calling for the strong hand of the Central Government to suppress. I invite the Honourable the Home Member to take a walk through Chandni Chauk or the purlieus of the other streets of Delhi and he will find men suffering from the last stages of leprosy, men who are ulcerated from top to toe, persons who are diseased and who come to individuals walking about in the streets asking for alms. I ask, Sir, is that not a public danger? And if legislation is not undertaken for the purpose of preventing beggary in public places what other method would the Central Government suggest for the purpose of coping with this evil. It is perfectly true that certain municipalities like those mentioned by the Honourable the Home Member have framed certain bye-laws, but those bye-laws are local and do not, I submit, meet the requirements of the case. What we want is a general Act for the purpose I have indicated. I therefore, Sir, move my amendment.

Mr. W. F. Hudson (Bombay: Nominated Official): I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: Order, order. The original Resolution was:

"That this Assembly recommends to the Governor General in Council that he be pleased to undertake legislation to prohibit beggary and vagrancy in India at an early date."

Since which the following two amendments have been moved:

1. "That for the original Resolution the following be substituted:
'This Assembly recommends to the Governor General in Council that he be pleased to take immediate steps to consult the Local Governments and Administrations whether it is possible to stop beggary and vagrancy in India by legislation and to place the opinions received before the House during its next session', and
2. "That for the word 'prohibit' in the original Resolution the words 'regulate and control' be substituted."

The question is that the first amendment be made.

The Assembly divided :

AYES—40.

Abdul Karim, Khwaja.
Acharya, Mr. M. K.
Ariif, Mr. Yacoob C.
Carey, Sir Willoughby.
Chaman Lall, Mr.
Chetty, Mr. R. K. Shanmukham.
Cocke, Mr. H. G.
Duft, Mr. Amar Nath.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Hla, U.
Hussanally, Khan Bahadur W. M.
Iyengar, Mr. A. Rangaswami.
Kidwai, Shaikh Mushir Hosain.
Lindsay, Sir Darcy.
Lohokare, Dr. K. G.
Macphail, Rev. Dr. E. M.
Majid Baksh, Syed.
Malaviya, Pandit Krishna Kant.
Misra, Pandit Harkaran Nath.

Murtuza Sahib Bahadur, Maulvi Sayad.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Shamlal.
Piyare Lal, Lala.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Roffey, Mr. E. S.
Samullah Khan, Mr. M.
Sarfaaz Hussain Khan, Khan Bahadur.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tok Kyi, U.
Venkatapatiraju, Mr. B.
Wajihuddin, Haji.
Willson, Mr. W. S. J.
Yusuf Imam, Mr. M.

NOES—43.

Abdul Haye, Mr.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Akram Hussain, Prince A. M. M.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Clow, Mr. A. G.
Das, Mr. B.
Donovan, Mr. J. T.
Ghose, Mr. S. C.
Gidney, Lieut.-Colonel H. A. J.
Ghulam Bari, Khan Bahadur.
Gordon, Mr. R. G.
Graham, Mr. L.
Hezlett, Mr. J.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Jafar, Mr. K. S.
Jeelani, Haji S. A. K.

Lloyd, Mr. A. H.
Malaviya, Pandit Madan Mohan.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Mutalik, Sardar V. N.
Naidu, Rao Bahadur M. C.
Neave, Mr. E. R.
Owens, Lieut.-Col. F. C.
Pal, Mr. Bipin Chandra.
Rahman, Khan Bahadur A.
Raj Narain, Rai Bahadur.
Rangachar, Diwan Bahadur T.
Reddi, Mr. K. Venkataramana.
Rov, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Tonkinson, Mr. H.
Vernon, Mr. H. A. B.
Vijayaraghavacharyar, Sir T.
Yakub, Maulvi Muhammad.

The motion was negatived.

Sir Hari Singh Gour: May I point out, Sir, that my friend the Mover 1 P.M. will accept my amendment and make it

Mr. President: Order, order. It is not a question of the Mover accepting the amendment. It is for the House to accept it.

The original Resolution was :

"That this Assembly recommends to the Governor General in Council that he be pleased to undertake legislation to prohibit beggary and vagrancy in India at an early date."

Since which the following amendment has been moved :

"That for the word 'prohibit' in the original Resolution the words 'regulate and control' be substituted."

The question is that that amendment be made.

[Mr. President.]

I think the Ayes have it.

The Honourable Sir Alexander Muddiman: I might explain, Sir, that I do not wish to divide the House on this amendment. We shall have to divide on the main Resolution when it is put and it will save time not to divide on this.

Mr. President: Government do not want a division.

The motion was adopted.

Mr. President: The next question is:

"That the following amended Resolution be adopted:

'This Assembly recommends to the Governor General in Council that he be pleased to undertake legislation to *regulate and control* beggary and vagrancy in India at an early date.'

The Assembly divided:

AYES—21.

Abdul Haye, Mr.
Badi-uz-Zaman, Maulvi.
Chaman Lall, Mr.
Das, Mr. B.
Duni Chand, Lala.
Du't, Mr. Amar Nath.
Ghulam Bari, Khan Bahadur.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Hussanally, Khan Bahadur W. M.
Jeelani, Haji S. A. K.

Lohokare, Dr. K. G.
Majid Baksh, Syed.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi
Sayad.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Shamlal.
Ray, Mr. Kumar Sankar.
Samiullah Khan, Mr. M.
Venkatapatriaju, Mr. B.

NOES—56.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Aiyangar, Mr. K. Rama.
Akram Hussain, Prince A. M. M.
Ariff, Mr. Yacoub C.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Carey, Sir Willoughby.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Donovan, Mr. J. T.
Ghazanfar Ali Khan, Raja.
Ghose, Mr. S. C.
Gidney, Lieut.-Colonel H. A. J.
Gordon, Mr. R. G.
Goswami, Mr. T. C.
Graham, Mr. L.
Hazlett, Mr. J.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Ismail Khan, Mr.
Jatar, Mr. K. S.
Lajpat Rai, Lala.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.

Macphail, Rev. Dr. E. M.
Malaviya, Pandit Madan Mohan.
Mitra, The Honourable Sir Bhupendra
Nath.
Muddiman, The Honourable Sir
Alexander.
Mutalik, Sardar V. N.
Naidu, Rao Bahadur M. C.
Neave, Mr. E. R.
Owens, Lieut.-Col. F. C.
Pal, Mr. Bipin Chandra.
Rahman, Khan Bahadur A.
Raj Narain, Rai Bahadur.
Rangachariar, Diwan Bahadur T.
Reddi, Mr. K. Venkataramana.
Roffey, Mr. E. S.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vernon, Mr. H. A. B.
Vijayaraghavacharya, Sir T.
Wajihuddin, Hajl.
Willson, Mr. W. S. J.
Yakub, Maulvi Muhammad.

The motion was negatived.

RESOLUTION *RE* RETRENCHMENT.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadian Rural): Sir, I beg to move:

"That this Assembly recommends to the Governor General in Council that he be pleased to appoint a mixed committee of officials and non-officials to inquire into and report upon:

- (1) the retrenchment in expenditure so far carried out in pursuance of the recommendations of the Retrenchment Committee and the reasons for not carrying out, if any,
- (2) the possibility or otherwise of further carrying out such recommendations or other retrenchment,
- (3) the possibility of wiping out the provincial contributions to the Government of India immediately, and
- (4) the scope to reduce taxation that has been imposed on the country since the commencement of the Great War; and if so, how the same may be started."

I am glad, Sir, that I have had the opportunity given by the ballot to move this Resolution. It covers a wide field and I request Honourable Members to excuse me if, in dealing with this subject, I am able only to run through the whole field and not place all the details before them. In fact, before dealing with the Resolution, it is only proper that I should place the position of the finances of this country during the last three or four years before Honourable Members, because it is only then that the actual need for the question I have now raised can be strictly and properly followed. The Retrenchment Committee sat in 1922-23 and reported before the presentation of the Budget for 1923-24. It recommended a reduction of the budget provision for 1922-23 of about 20 crores, in fact 19.52 crores. In 1923-24, in spite of that recommendation, it was possible only to give effect to about 7 crores of retrenchment out of the 19½ recommended. In fact that was the year in which, though a reduction of only 7 crores out of 19½ was given effect to, a certification of the salt tax from Rs. 1-4 to Rs. 2-8 was resorted to in spite of the view of the Assembly that increased taxation was unnecessary. But actually we know that in that year, out of the six crores extra that was expected from this increased taxation, only about 2 and odd crores was realised. In spite of that we find by the actuals of that year that we were not only able to meet the expenditure, but it was possible also to reduce debts to the extent of about 6½ crores at the end of the year. Then we came to 1924-25 and it was found that to provide for the remission of the provincial contributions the salt duty, which had been fixed at Rs. 2-8 a maund, was sought to be kept up at Rs. 2 a maund, and we found that the provincial contributions were not reduced to any extent because the Assembly insisted that the salt duty must be kept at only Rs. 1-4. But at the end of the year we found that not only was all the expenditure met properly, but there was a very large surplus which amounted practically, I think, to about 14 crores, but actually the revised Budget showed an extra amount of 4 crores for expenditure. But that later actuals must give another 10 crores is my opinion, because, in spite of my attempts to get information from the Finance Department in the September Session at Simla and in the present Session here, I have not been able to have the actuals of 1924-25. However, I think I may claim that it will be more or less correct to say that more than 10 crores was available at the end of the year over and above the actual expenditure of the year. Then we come to the Budget of 1925-26. Then an attempt was made to put the reduction of the excise duty on cotton goods against the provincial contributions for-

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2½ crores reduction in provincial contributions was given effect to. In spite of the best efforts of this Assembly we were not able to make Government agree both to the abolition of the cotton excise duty and to the reduction of the provincial contributions to the extent expected. But very soon, in the course of the year, we have seen that His Excellency the Viceroy has been able to announce that the financial position was so secure that he could actually recommend the abolition of the cotton excise duty before the end of the year. In fact not only is that so, but there is a suggestion made there that the opinion of the Assembly was taken as giving a preferential right to the abolition of the cotton excise duty and that, therefore, the question of the reduction of provincial contributions remains to be considered. However, it can fairly be said that on the whole there has been an extra income of considerably more than what was needed. My calculation of it is that apart from the amount of about nine crores available as balances in the reserve fund and depreciation fund of the Railway Budget, there must be in the General Budget also a balance of more than six crores. We actually do not know what amount has been retrenched in the military Budget; as I said I have not been able to get that information; but all the same I feel that the statement made by His Excellency the Viceroy showing that the financial position was quite safe indicates that so much money is available in that Budget also.

That is where we are, and now we are to begin to budget for the next year; and under those circumstances I come before the Assembly to ask for this Committee to go into the whole question. The first point that I have made, by this reference to the previous history of the finances of the country, is that while the Government of India have been a little bit more cautious than they ought to be, we have been suffering very badly by no help being given to the provinces or to the general tax-payer, except by way of the 2½ crores reduction at the beginning of the year 1925-26, and the present abolition of the cotton excise duty. In fact, it was calculated that we had an extra taxation on the country of from 36 to 45 crores; we may take it at about 40 crores. That extra taxation continues in spite of our having been able during these three years actually to reduce debts to the extent, as I said, of about 6 crores in 1923-24, of about not less than 5 to 10 crores in 1924-25, and, I dare say, of some crores more than 5 crores which we have budgeted for in 1925-26. We have not only done that; we have been able to provide for the best expenditure that might be provided for the Railways; and we have been able to lay by before the end of 1926-27, that is the next year, about 25 to 26 crores, as it has now been estimated the total balances both in the depreciation fund and the reserve fund of the Railways will be; I calculated it to be about 20 to 25 crores. It is at present about 12 to 15 crores, and I expect it to become about 20 to 25 crores before the end of next year. That amount has been heaped up; and in fact we have been able to reduce our debts to the extent I have already indicated, in spite of the Assembly giving its vote against the Government and its standing against it under great pressure. In spite of that, that is the position we have come to. But what I am most anxious about is a determination of the question whether we are going to have actually the retrenchments recommended by the Retrenchment Committee carried out in full. Of course it may be that circumstances have changed and it may be that we have become very rich. But the poor tax-payer still has to bear an extra burden to the extent of 40 crores. We may be rolling in plenty; however that may be, I want a determination of the question whether it is possible at any time

at all to give full effect to the recommendations of the Retrenchment Committee, or whether you are going to say that the recommendations have been considered and closed. My submission is, Sir, that it is impossible to say that those recommendations are closed. Therefore, with your permission, Sir, I will refer to a statement that I have prepared and circulated—I dare say, to most of the Members here, and I think that my Honourable friend Sir Basil Blackett too had a copy of it yesterday, because I wanted the Legislative Department to send him a copy of it. Now, Sir, I have shown on the left hand side of that statement the receipts which have been taken into consideration by the Retrenchment Committee. They proceeded on the budget provision of 1922-23. They took that as the receipts and they recommended the retrenchments, whereas I have taken the budget figure of 1925-26 for all these because that is the latest available sure figure. The revised estimate of 1925-26 is not available now, and therefore I have adopted the budget figure of 1925-26 for my purposes. I have collated these figures to show that practically the income anticipated in 1925-26 is less by 1 crore and odd than the income anticipated in 1923-24. Actually it will be seen from the figures I have given that Customs show a little increase. Income-tax shows a large decrease to the extent of 5 crores, and that the other items are negligible. Railways show an increase, but you know that the Railway Budget is now treated separately from the General Budget. Post and Telegraphs show a small decrease. That is the position so far as receipts go. I place it before this House in order to point out that the expenditure recommended by the Retrenchment Committee on the receipts which were then taken as the standard hold good even to-day, unless there are any special reasons which might be advanced by any of the Departments to show that there were grounds which enabled them to go behind the retrenchment recommended by the Committee and add to the expenditure. But what are the facts? I have prepared a statement of the important items which show a difference in expenditure, and these items will be seen on the right hand side of the table. Those are the important items that are affected. What I actually find is that Railways have to be compared this way because the Budget of 1922-23 took into consideration the expenditure on strategic lines, so also the present Budget of 1925-26 must be calculated and takes both the expenditure together, I mean the expenditure on commercial lines as well as on strategic lines, and the provision made is 68 crores, whereas the Retrenchment Committee recommended 64·5 crores, so that we have an extra expenditure budgeted for in 1925-26. Of course, I know that as a Member of the Railway Finance Committee there is a small reduction of 1 and odd crores in expenditure but that would not come in in considering the point I have raised. It is because about 70 lakhs have been excluded for automatic couplers being taken up and also on account of a few other lines which have not been undertaken that there has been a reduction in expenditure shown in the revised estimate, but that does not affect the position I take. In fact the total expenditure on Railways is 8·4 crores more than was recommended by the Retrenchment Committee, though actually the income anticipated from the present year 1925-26 is only about 2 and odd crores over and above what was anticipated by the Retrenchment Committee. If there is a small difference, that cannot explain away the expenditure of over 3 and odd crores for the Railways from that time.

As regards the Post and Telegraphs, as I have said, the receipts have gone down a bit. The recommendation of the Retrenchment Committee was to keep it at 8·16 crores, but what we actually find is that to-day it

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stands at 9.75. I know, Sir, that in the recent Administration Report the Department says that they have been considering certain recommendations that have been made by the Ryan Committee which was appointed to go into this question. But so far as replies have been given as regards retrenchments that have been carried out in pursuance of the Retrenchment Committee's report, Government have not been able to carry out all that has been recommended. I have dealt with this question in a previous article which I have placed in the hands of the Member in charge of this portfolio and I have shown that more than one crore under ordinary circumstances will have to be further reduced if the Retrenchment Committee's Report is to be given effect to. But what do we find? Actually we have gone up over the one crore by another 59 lakhs, so that, if there is a decrease in the income of the Department, the expenditure of 1.59 crores over and above what had been recommended by the Retrenchment Committee requires definitely to be explained.

The other things are small. The Civil administration expenditure has actually gone up by 1.64 crores though the Retrenchment Committee recommended only 9.33. That shows that the Secretariat has been adding to its expenditure very steadily, much more steadily in adding than in retrenching when it accepted the recommendations.

The Honourable Sir Basil Blackett (Finance Member): Does the Honourable Member realise that that includes the bounties on steel?

Mr. K. Rama Aiyangar: I have not taken that into consideration. Of the 1.64 crores, probably 1.30 or so will be accounted for by the increase in the bounty on steel if it is included in this item. There is no explanation for the extra expenditure in the Secretariat when the Retrenchment Committee fully allowed for whatever might be pleaded by the Department in considering this question.

The real heading for which I have actually placed this Resolution before the Government and the Assembly is the expenditure under military and marine works. The recommendation of the Committee on this matter appears at page 59 of their Report. They have said that the military expenditure after a few years should be brought down to a sum not exceeding Rs. 50 crores. There was objection raised at the time by the departmental head, His Excellency the Commander-in-Chief, for the Committee say:

"We consider that it may be possible after a few years to reduce the military expenditure to a sum not exceeding Rs. 50 crores although the Commander-in-Chief does not subscribe to this opinion."

They note the objection taken by the Commander-in-Chief and yet they say:

"Even this is more in our opinion than the tax-payer in India should be called upon to pay."

They also said that an eye should be kept on the military expenditure with a view to its further reduction. I submit, Sir, that this recommendation, which wanted the expenditure to be put at 57.75 crores for the Budget of 1923-24 and asked it to be reduced to 50 crores after a few years has not yet been reached. The Budget for the current year provides for 60.26. Of course, I am not aware what retrenchment has been effected during the last year and what the actuals for 1924-25 are. I hope that there has been some reduction in that Department but I have not been able yet to

get that information though I have been pressing for information both inside the Honourable the Finance Member's office and outside it through interpellations in this Assembly. Whatever that may be, my point remains. Even if there has been a reduction of 2 or 3 crores, it would not matter. Actually we provided for 10·26 crores more than what the Retrenchment Committee recommended.

The Honourable Sir Basil Blackett: No.

Mr. K. Rama Aiyangar: I have dealt with this point clearly. For 1923-24, they recommended 57·75. This provision of Rs. 60·26 crores is more than that by about Rs. 2½ crores, but actually in a few years they expected it to be reduced to Rs. 50 crores and therefore there be Rs. 10·26 crores saved under that head. I submit that the conditions under which we are now existing are quite different from those referred to by that Committee. They say at page 13:

"The underlying principle of the present organisation appears to be that the army should be in a continual state of preparedness for instant operations in the event of war or unrest."

On that basis they calculated the expenditure as put forward by His Excellency the Commander-in-Chief and the Department of which he is the head, and considering the question from that point of view they said that the Indian tax-payer could not afford more and recommended an expenditure of Rs. 57·75 crores for the Budget of 1923-24 and that in a few years' time it should be not more than Rs. 50 crores. They added, in spite of the objections of His Excellency the Commander-in-Chief, that it must be brought down further as prices fell, and we all know that for the last two or three years prices have fallen and it should be possible to go below Rs. 50 crores. But you have not reached even that Rs. 57·75 crores, and therefore *a fortiori* not the Rs. 50 crores. I submit that it is time that this question was set at rest. The Honourable the Finance Member is, I know, very anxious to retrench and he is taking all steps to do it, but the way in which he puts it, of course, is one of the sweetest ways of putting things and I dare say he means more. He thanks His Excellency for the great help that has been given to him, but I do not know if I would be satisfied with that kind of statement, and this is not a case in which the Indian tax-payer should be left in the air like that. It is the duty of the Finance Member—of course as head of his Department it might be different—but the Finance Member and His Excellency the Viceroy for the matter of that in this matter of expenditure are more or less trustees. They have to look after the interests of the general tax-payer, but after this statement made by the Retrenchment Committee and after their recommendations had been accepted by the Government wholesale—for Government have been paying a tribute to that Committee for having helped them—and when every Department has agreed that whatever has been recommended must be given effect to,—they have not said a word against that—but when we go into details we find that they have been trying to, I should say, bamboozle the Members of this Assembly and have not given effect to the recommendations that have been so far made. I have taken trouble to some extent—I may be wrong and I may be corrected—but I have examined these figures in detail in a series of articles which I sent to the Press and I have been able to assert that the Retrenchment Committee's recommendations have not been given effect to either in the Military

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Department or in many other Departments to the extent that they had promised to do. A mere showing of a reduction of expenditure by cutting out some non-recurring expenditure or a provision that has been wastefully made in the Budget before could not at all amount to the retrenchment that has been called for by the Retrenchment Committee. They have definitely recommended expenditure to be reduced in certain directions and these Rs. 10 crores and odd ought to have been retrenched even in the year 1923-24, but they have not done it even to-day, and I ask the Honourable the Finance Member to be the spokesman of the poor tax-payer and without delay see that the amount is retrenched. I can see in a matter like that he might find his position rather difficult and it might be possible for the Departments to put forward cases where some extra amount should be allowed in the full retrenchment of Rs. 10 crores and it might be something less. But I only want this Committee to go into the question and come to a conclusion. I want, of course, a gentleman of big business habits about whom the other day my Honourable friend Sir Charles Innes said "one of the greatest business men of the world was in charge of that Committee" we have seen such a man treated with what kind of courtesy the moment he leaves the shores of the Indian soil. I have no objection if a gentleman of that repute and of that standing, who can command the confidence both of the Government and the people, is placed again in charge of the thing. Let him decide once for all what is possible in the way of retrenchment of the military expenditure. The real question that arises is this. In England we see that in the coming Budget there is to be a reduction of £20 millions in expenditure and we have seen the big protests by one party and the insistence with which the Prime Minister has been able to hold his own against that kind of opposition. Actually in India there is no question of that kind at all. Times have changed. The Waziristan military operations have been put an end to. The terminal charges have practically all gone and there is no reason to keep the whole body of military in readiness for fighting the next time. This is the moment when not only should you confine yourself to the 50 crores that has been recommended by the Retrenchment Committee but you should be able to do more. That is a position that must be examined. Whatever it is, the Assembly must be able to get the information from the Honourable the Finance Member or the Government of India. Otherwise I submit that there is an immediate necessity to go into this question also by a Committee that might be appointed for the purpose.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadian): With the Honourable Member's permission, may I ask whether he can give us details of any recommendations which have not been carried out? It will help us.

Mr. K. Rama Aiyangar: I have got the whole paper with me under every head. I have noted what has to be retrenched. I have not brought it here but I can place it in the hands of every Member in the course of the day. In fact the general lines I have adopted in this matter are quite sufficient for the purposes of this Resolution. Honourable Members will find that the excess charges of collection of revenue is put at plus .27. That is what I have noted in No. 4 of the table on the right hand side but actually, if you examine the details, you will find the expenditure under

Salt and Opium has gone down while the expenditure under Income-tax and Customs have grown. While in the case of Customs the expenditure is nearly 1/5th more than the previous expenditure recommended by the Retrenchment Committee, the actual increase in revenue is actually one crore over about 45 crores that was taken by them. In the case of Income-tax, while they anticipated 22 crores in that year, the actual collections expected are about 17 crores. So there is a fall actually to the extent of about 5 crores. The expenditure on the establishment has gone up by 25 lakhs. I have given the details but they will have to be looked into.

Then I come to the Resolution asking for a Committee to be appointed. In this connection I must place before the House the necessity for this. I have explained the recommendations of the Retrenchment Committee so far and the possibility of carrying out further recommendations. The actual position in the country now comes to this, we have to give effect in spirit to the recommendations of three big committees, I mean, the Meston Award, the Retrenchment Committee and the Taxation Committee, the details of whose recommendations we have not yet had.

But all these bear on this question. We are now at a stage when, as I have shown, we have laid by nearly 20 crores, or it will be about 20 crores by the end of this year, on the railway side, and we have reduced the general revenues to that extent, while we have not reduced the provincial contributions though the Meston Committee stated that that was the first charge on any surpluses that the Government of India may have. The Government of India always took up that position, but under the scheme enunciated in the Assembly by the Honourable the Finance Member he would rather regulate the reduction of provincial contributions over a series of years. That is a question which may have to be considered, especially as so much extra revenue is being collected and the tax-payer has to pay, and the nation-building departments which are transferred subjects under Ministers should be helped immediately, at least to the extent of wiping out the provincial contributions. Every nerve should be strained to see that that is done. It does not end there. Bombay has a special grievance in that no growing revenue head has been allotted to it. The Taxation Inquiry Committee has apparently been asked to consider, while not interfering with the Meston Award, the allocation of revenue heads and adjustments between the Central Government and the Provincial Governments. That will raise the question as to how far Bombay should or should not be helped in the matter of the reduction of provincial contributions by which Bombay gets little or nothing. But their great grievance is that they have not any growing revenue heads in their hands to which they might look to meet extra and growing expenditure. That is a point which has to be settled. Madras and Bengal and the United Provinces come into the same category. Madras of course has been working at a deficit, so much so that when we gave them 126 lakhs, 80 lakhs went to pay debts. Bengal has been complaining though certainly the Government of India have been particularly helpful to them as far as they can realize their grievance. But all that is little or nothing, beyond showing the ability of the Government of India to lay by money as they like. But should the whole country suffer and should the tax-payer be fleeced to the extent that this is now? 46 crores have been levied on him. I am of opinion that the matter must be looked into carefully and some relief must be given to the tax-payer, while the provincial contributions must be absolutely

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abolished; and not only that, but further more we should see that their waning revenue heads, like Akkari, are replaced by other things, either in the shape of contributions from the Central Government or by giving them other heads of more lucrative taxation. The whole question has to be considered at this stage.

I would further support the last clause I have placed before you, that is the question of reduction of taxation so far as possible. That is a very complex question. Curiously enough the Railway Department which, according to its own budget, has added about 15 crores to its credit, recommends practically no reductions in fares. The reduction of first and second class fares is not for the purpose of relieving the people; such people do not deserve to be relieved at all first when the whole country is suffering from taxation. That is merely a business step to capture more of those first and second class passengers that they had lost. But the man who is suffering is the third class passenger, and what is the help proposed? The help proposed is a reduction of about 88 to 40 lakhs. Is the benefit of the reduction of half a pie or one pie in mail train charges as also for distances over 300 miles of journey, to reach the masses? What is the average of distances travelled by passengers? It is not more than 70 miles in all. In effect, it means that no relief is given to the third class passengers. The average journey made is about 70 miles only. Take any railway into consideration. Of course full details have been prepared by the Railway Department in connection with that, so that this Assembly, if it only takes it into its consideration, can fully realize the situation. It is not intended to help the real tax-payer who suffers. He should be protected, and in the case of machinery and all other necessities of life the rules as to the rates also will have to be revised not to help the big man with big surplus profits; it must reach the poor masses who actually in the shape say of the price of the half-anna post-card or the salt duty is actually paying practically the whole of his savings for this kind of extra money. Of course I have got other points to urge in respect of Railways, and I am not at all satisfied that that Department is so enamoured of its income of 18 and odd crores that it should sit quiet and not consider further retrenchments in expenditure. That is another matter which will have to be considered by this Committee if it is appointed. Thus three of these reports have to be considered and disposed of: the Meston Award, the Taxation Inquiry Committee's Report, as also the Retrenchment Committee Report. If the whole position is determined, then as to the reduction of taxation an answer was given by the Honourable Sir Basil Blackett to one of the Honourable Mr. Neogy's questions early last year giving the various items of extra taxation that have been imposed on the people on the Telegraph and Postal side, the Railway and Customs and all others. We have got full details, though he was not able to give the actual amounts collected by this extra taxation. A careful analysis of it will have to be made, and the order in which the taxation should be reduced will have to be decided upon. The poor tax-payer is the last to be thought of, but what we want is that he should be first thought of. The economic condition of the masses must be improved, and the bigger man—of course when he is travelling even to come to Delhi for the Assembly meeting, he draws fat allowances and additional money—may wait and I would ask everybody not to indulge in his own convenience being attended to. The whole position must be looked into, and the order of reduction of taxes must be decided

upon by a responsible Committee in which the representatives of this Assembly and of the other House will be able to press their claims forcibly against any views that might be put forward by the Department. Why should they think of the 38 lakhs reduction only? Why not do it in crores and give relief by half a pie for the ordinary third class passenger? Should the mail passenger alone get any help or those who travel for distances over 300 miles? All these things should be considered, and I submit, Sir, that there is a very very strong case for this being accepted by the Government and the whole matter being gone into.

The Assembly then adjourned for Lunch till Five Minutes to Three of the Clock

The Assembly re-assembled after Lunch at Five Minutes to Three of the Clock, Mr. President in the Chair

The Honourable Sir Basil Blackett: Sir, I had hoped that there would be other Members who would desire to follow my Honourable friend Mr. Rama Aiyangar on this subject before the time came for me to reply, but there does not seem to be that alacrity or desire to make speeches on this subject which I might perhaps have expected. Mr. Rama Aiyangar said that he had been fortunate in that the ballot had given him this opportunity. I suppose he was referring to the fact that he, I think, almost alone had this Resolution in his name and yet got it in preference to others which were backed by more than one name. On the other hand, I think Mr. Rama Aiyangar is a little unfortunate in the date of his Resolution, because to-day is the 2nd of February, and within a month I hope to be in a position to be placing before this House the Budget for the year 1926-27, and it will obviously be more convenient to discuss many of the subjects which he has raised to-day in connection with the Budget than in connection with this Resolution. Further, at this stage of the year the staff of the Finance Department is exceptionally pressed in preparing the budget figures and I did not feel that I was justified in calling on them to prepare any elaborate statistics or figures for me with a view to to-day's discussion. I did not receive until this morning the figures which Mr. Rama Aiyangar has distributed to the House. So I did not have an opportunity before of studying them. I must confess that those figures make me feel a little sad. When Mr. Rama Aiyangar first entered this House and showed that zeal which always distinguishes him in matters of economy and of our estimates, I felt that here was a real supporter who was going to assist the Finance Department, in its arduous duties of keeping down the expenditure of the country to that which was essential for useful purposes; but as time went on, my admiration for Mr. Rama Aiyangar's industry increased, but I lost some of my early enthusiasm (Laughter), because I find it so extremely difficult to follow either his figures or the logical results which he drew from those figures, and I must confess that I have the same feeling in regard to those figures here to-day. So far as I can see none of the important figures in this statement are correct. Let us take the most important of them. Mr. Rama Aiyangar says that the Retrenchment Committee recommended that the expenditure on our military services should

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in the course of a few years be reduced, if possible, to 50 crores. He compares with that a figure for the Budget of 1925-26, which he puts at 60 crores and 26 lakhs. But he is not comparing like with like and that is my general complaint against Mr. Rama Aiyangar. He seldom does that. He is comparing not the net military expenditure, which was the figure that the Retrenchment Committee were dealing with, but the gross. The net military expenditure, which he should have used in this case, is the figure of 56 crores and 24 lakhs, and not the figure that he has taken, which is the gross military expenditure against which there are receipts set off, just in the same way as the Retrenchment Committee was dealing entirely with the net military figure after setting off the receipts against it. That is just an illustration of the difficulty of dealing with Mr. Rama Aiyangar. But I will come back to that. Let me just take the House for a moment a little bit more over the subject as a whole. I said that Mr. Rama Aiyangar's date was rather unfortunate because it was just a month before the Budget. In regard to part (4) of his Resolution calling for a Committee to study the scope to reduce taxation, he is unfortunate in that his motion comes just a few days before the publication of the Report of the Taxation Committee, and, as far as I can see, a good part of the duties which he proposes that this Committee of his should undertake has already been undertaken by the Taxation Committee and the results will be before this House within, I hope, a week.

Now, Mr. Rama Aiyangar's main contention, I think, is that the Retrenchment Committee of 1922-23 recommended certain reductions and that these reductions have not been carried into effect. He went so far as to say that we showed considerable disrespect to a very eminent business man, namely, Lord Inchcape, in our failure to carry out the recommendations of his Committee. I happened to be reading almost at the same time—not in this House, Sir,—as Mr. Rama Aiyangar was making his speech, the *Times of India* for February the 1st, and I observed that among the distinguished passengers who arrived in Bombay by the English mail steamer was Lord Inchcape. Lord Inchcape was met by press representatives and questioned as to whether he had kept himself posted with regard to the financial position of the Government of India and whether he was satisfied with what the Government of India had done to carry out the recommendations of the Retrenchment Committee. Lord Inchcape replied in the affirmative. He said that all his Committee's recommendations have been carried out by the Government of India most satisfactorily and that nothing could have been better than what they had done in that direction. (Cheers from the Official Benches.) That is a statement by a very responsible person and I claim that it is a fact that the Government of India have an extremely good record in what they did in regard to the Retrenchment Committee's Report. It is easy enough to appoint a committee and it is perhaps not so easy, but it is possible for such a Committee to make many recommendations. But I am sure the members of that Committee would be the first to realise that the really difficult thing is to carry them out, and I do claim on behalf of the Government of India that we carried them out in a way for which we deserve very considerable credit. As stated at the time, it was not possible in the year 1923-24 to bring all the recommendations into effect all at once. The Committee themselves recognised that there

must necessarily be some delay. We were unduly pessimistic as to our capacity for bringing those recommendations into force. By the end of the year, we had brought them into force to an extent greater than we had ourselves expected. The actual expenditure on the military Budget that year was less than the Retrenchment Committee's figure of 57½ crores. The actual expenditure as a whole was also less than the Retrenchment Committee's figure. On the civil side we carried out practically every one of the detailed recommendations. There were one or two which we definitely decided not to carry out but what we did do was to put into effect retrenchments in various directions which in money brought us in a larger saving than the recommendations of the Committee actually as they stood. That was in the year 1923-24. I do not know how far it is Mr. Rama Aiyangar's contention that in no circumstances should the expenditure for the year 1923-24 be increased. I pointed out to him that he seemed to forget that the largest item in that increase in civil expenditure was the cost of the bounties under the Steel Protection Act and things of that sort, things that were definitely agreed to by this House in pursuit of policy. I go further and say if Mr. Rama Aiyangar is now pressing that retrenchment for its own sake is the policy which this Government should pursue, then I contend that his premise is incorrect. I say that retrenchment of the sort that was under discussion in the Retrenchment Committee of 1923, and that was carried out in the Budget of 1923-24 is not as a rule in the true interests of the country. It was necessary in 1923-24 to balance the Budget at all costs. It was necessary to effect a very heavy reduction of expenditure in all directions. In some directions those reductions were undoubtedly of permanent value. Perhaps every twenty years or so it is a good thing that a Committee of that sort should go through the expenditure of a Government, and where particular expenditure has become a matter of form or routine should question its utility and should cause reductions to be effected. And of course it is the duty of the Finance Department, a duty which the Finance Department have not shirked but have carried out with searching effect, to keep staffs from growing inordinately, and to prevent any kind of exorcence on the necessary expenditure of Government on that part of its services which are concerned with mere administration. There is always a tendency in any Government for administration expenses to be continually growing unless they are very carefully watched, and a pruning such as they received from the Retrenchment Committee in 1923 was, I think, of very considerable value. The fact that that pruning took place so recently as 1923 is, I believe, a very strong reason for not appointing the Committee which Mr. Rama Aiyangar asks for in 1926, because I can assure him and the House that, so far as I am aware, cuts of that sort, cuts in contingencies of the ordinary departments, cuts in that part of our expenditure which is not directly connected with the beneficial services, as I may call them—Mr. Rama Aiyangar calls them nation-building services—those cuts have not been replaced. But it has been one of the duties and one of the privileges of the Finance Department during the last few years to be restoring those cuts in our expenditure which either proved not to have been justified, where the results were so defective or there was actual loss of revenue, or what was still worse where the cuts took the form of refusal of beneficial expenditure and have thrown back that beneficial expenditure for years, it has been the privilege of the Finance Department during the last few years working with the Standing Finance

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Committee gradually to reduce cuts that were made in 1923-24. The sort of illustration that I can give of that is the Research Fund. That stood at 5 lakhs before the Inchcape Committee came into being. It was abolished altogether for the time being. There has recently been before the Standing Finance Committee a proposal to restore it in full. Any Finance Department that is worth its salt is in my opinion not confined in its duties to preventing expenditure. A much more important duty is that, within such limits as are possible, it should be encouraging wise expenditure. It is one of the misfortunes of a period when drastic retrenchment is essential and unavoidable that the first kind of expenditure that gets cut is the optional expenditure, and that optional expenditure is nearly all bound to be of the kind which Mr. Rama Aiyangar called nation-building. If there is waste in other directions, that waste can be cut, but it is much more difficult to reduce that sort of waste than it is to say with a stroke of the pen, nothing shall be voted this year for the Medical Research Fund, we will cut down the expenditure on education in the North-West Frontier Province, we will cut down the grants to the Universities which are charged on central funds! I think one of the recommendations of the Retrenchment Committee which we did not accept—Mr. Rangachariar was asking a question of that sort this morning—was a proposal that the Delhi University should be abolished. That is the direction in which retrenchment of the sort that I am speaking of must necessarily take its effect, and if it is said that such retrenchment is now desirable, I say that, taking a long view it is not in the true interests of India that you should go in for retrenchment of that sort. Wise expenditure on sanitation and education, if properly controlled and if really wisely spent, not only leads the way to improved social and economic and political conditions for the India of the future, and goes to help to train her citizens for the more responsible tasks which we are all looking forward to her undertaking in the near future, but such expenditure is actually an investment for the tax-payer. The tax-payer of a generation hence will get the advantage when the Government expenditure of a generation hence is spread over a larger number of people and larger incomes, so that the net burden on the individual income is less, if we spend our money wisely during the present generation. The idea of retrenchment for its own sake may be a good thing and it is a necessary thing in times when your Budget cannot be balanced, but the idea that it is a good thing in all circumstances for its own sake, is one which I respectfully, in my position as Finance Member, desire to combat. That is really my general answer to Mr. Rama Aiyangar. I say that he is incorrect in his premise when he says that the Retrenchment Committee's proposals were not carried into effect. In so far as they have not been continued, they have not been continued for the reason that I have just been giving, that taking a long view it is in the truer interests of India to spend money on such things as the Dehra Dun Forest Research Institute than it is simply to refuse to spend money . . .

Mr. A. Rangaswami Iyengar: And get rid of the Indians there.

The Honourable Sir Basil Blackett: Mention has been made in the Resolution of the possibility of wiping out the provincial contributions. Now, the Government of India have said and they repeat now that their

policy is to arrive at a complete extinction of those contributions at the earliest moment that is possible. But it involves very wide considerations. It does not mean that they are to wipe out the contributions and budget for a deficit; nor does it mean, I think, that they are to wipe out the contributions and immediately propose central taxation for the purpose of wiping them out. But it is the Policy of the Government of India still; their financial policy is to arrive at the moment when these provincial contributions will be finally extinguished as soon as is practicable. I cannot at this date anticipate the contents of the next Budget, nor would it give any very great comfort to this House if I were to do so. It is not a dilemma that this Government in their wicked way put before this House; it is simply an obvious fact that if you spend something approaching two crores on reducing a particular tax you have that amount of income less with which to deal with the other problem of the provincial contributions.

Mr. A. Rangaswami Iyengar: You can do both.

The Honourable Sir Basil Blackett: You cannot do both with that sum; that sum has gone in one direction.

Mr. A. Rangaswami Iyengar: You have more sums in your pocket.

The Honourable Sir Basil Blackett: That sum cannot go in another direction also. I do not claim more for it than that.

There is one thing I should like to say, though, in regard to these provincial contributions; and that is that one of the places in which the Income-tax fell with most severity was on the educational expenditure and similar expenditure of the provinces under the direct administration of the Central Government; and it was quite natural that that should be so. Other provinces at the same time were having their own Retrenchment Committees and were retrenching desirable expenditure, and it was quite right and proper that the Government of India should retrench in those directions also. But I do want to put in this word for the tax-payers of the administrations that I have referred to. It is, I think, quite right that they, as our finances begin to improve, should have some consideration paid to them, and we are justified, at the same time as we are pursuing a general policy of arriving at the extinction of the provincial contributions, in adding somewhat to the expenditure incurred in those provinces on, if I may use the phrase again, the nation-building services. The mere fact that you have relieved the Punjab Government of a considerable provincial contribution and that the result is a very considerable increase in expenditure in the Punjab on education makes it very natural that the Member in the department of the Government of India responsible for education in the North West Frontier Province and in Ajmer should make an attack on the Finance Member demanding additional money for expenditure on education.

Diwan Bahadur T. Rangachariar: Apalgamate them.

The Honourable Sir Basil Blackett: I do not think that would save money, except in so far as it would save us the cost of printing answers to questions in the debates on the subject of the North West Frontier Province. I only put that plea in because I think that we have got to remember that the administrations under the central control are in a little bit of a special position, and we are not entitled to ignore their interests entirely where we are aiming at reduction of provincial contributions.

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Now, so far, I have spoken generally. Let me examine in more detail the position of our expenditure into which Mr. Rama Aiyangar desires to inquire. There is, first of all, our military expenditure. I am sorry to say that it is not the fact that we have yet entirely got rid of the post-war special charges, as Mr. Rama Aiyangar seems to think. I have already pointed out that those figures were entirely wrong on the subject of our military expenditure. I would, however, draw the attention of the House to the fact that we have made a very remarkable reduction, and a continuous reduction in our military expenditure since the year 1921-22. The estimates for the year which is now closing were just over 56 crores. Included in those estimates were several charges such as the charges for customs duty on Government stores which were not included at the time when the Retrenchment Committee reported. I do not say that that is all that we are going to be able to do. I should be extraordinarily disappointed if that were the position. I am in full sympathy with the view that the Government of India should not spend an anna more on military defence than is absolutely essential, and I claim that the Government of India have a record for which they are justly entitled to claim some credit in the way that they have reduced military expenditure since the year 1921-22.

Mr. B. Das (Orissa Division : Non-Muhammadian) I hope it will be fifty crores this year

The Honourable Sir Basil Blackett: I like seeing optimists. I am myself an optimist, but not to that extent. But broadly speaking, our hopes of reducing military expenditure further must depend first on the disappearance of these temporary items, secondly on the general question of fall in prices to which the Retrenchment Committee drew attention, and beyond that, there are undoubtedly small directions in which one may hope to effect economies. But the big question is a question of policy, "What is the size of the army that you require to secure the defence of India", and that is a question which, I submit, cannot very usefully be inquired into by a Committee of the sort suggested by Mr. Rama Aiyangar. He may rest assured that the Finance Department will not lose any opportunity for securing a reduction in expenditure of this kind both because the Finance Department recognise the urgent demands of the provinces and of India generally for expenditure of an upbuilding character and because expenditure on military services the moment it is beyond what is absolutely essential is uneconomic. It is an insurance which you have got to pay; but there is nothing to be gained by paying more than is necessary for an insurance policy.

The next question is the cost of collecting our Customs and Income-tax, the cost of our Revenue Departments. Any reduction in those would, I am convinced at the present moment, simply mean a disproportionately larger reduction in the yield of our taxation. I was less able than usual to follow Mr. Rama Aiyangar on that particular subject. I will not attempt to deal further with that kind of expenditure. I would only point out that it is not the direction in which you can go in for retrenchment. Undoubtedly economise; do not spend anything more than you can help; but I do not think there is any room there for this mixed Committee.

Then we come to our debt service and the expenditure on interest. Thanks to the policy, which we have been able to pursue, of an effective provision for reduction and avoidance of debt and to the improved conditions under which we have been able to borrow, largely as the result of our policy, there is every hope of a continued reduction in the net charge for interest in our Budget. As we effect conversions and as we exchange unproductive debt for productive, which is happening year by year, the actual charge on the tax-payer, which is already much smaller, I think, than the Honourable Member realises, for interest on debt will become even smaller. That is a question very largely of your general financial policy. There is no room for a Retrenchment Committee to inquire there.

We then come to our civil expenditure which may be divided into three heads. There is the civil expenditure on administration which is regarded by some economists as onerous in that it is not directly reproductive, the actual cost of the Home Member's salary, for example. He is doing very valuable service for the country, but it is not directly reproductive.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadian Rural): Cannot the Home Member take a little less?

The Honourable Sir Basil Blackett: I think the Home Member's salary was fixed at a time when the rupee was 2 sh. and when prices were probably half of what they are now. If that is an argument for reduction I will present it to the Honourable Member. But we are not discussing the particular salaries of particular individuals. So far as the civil administration is concerned, I claim that the Government of India have carried into effect fully the recommendations of the Retrenchment Committee, going as far as possible and reducing the charge for central headquarters staff and administration, and that a new Committee to do over again what the Retrenchment Committee did three years ago would be quite useless.

Another form of our civil expenditure is expenditure on bounties and things of that sort under the Steel Protection Act. Another form is expenditure of the kind I have been speaking of just now, namely, additional grants to hospitals, additional grants for University education and education in the centrally administered areas, additional grants for the Sugar Research Institute at Coimbatore and for Agricultural Research at Pusa. All of these, I claim, have rightly been increased in the last few years, and as those who are Members of the Standing Finance Committee know, there will be further increase proposed in various directions this year. I do not think that we need the services of a mixed committee of officials and non-officials to advise us to retrench in that direction. So that, my general conclusion is that there is no need to appoint a Committee of this sort and that its appointment would not be valuable. It would merely take up unnecessary time. I have said nothing about the Railways and the Post Office, because, the object of this retrenchment is the reduction of taxation and the abolition of the provincial contributions. I think it is common ground between all the Members of this House that while every possible economy should be effected on the Railways the object of Government is not to make profit out of the Railways for the benefit of the tax-payer but to run the communications of this country at as small a charge to the consumer as possible, and that essentially any retrenchments that might be effected, and I am sure are being very wisely effected wherever possible by my Honourable friend Sir Charles Innes in Railways, will go not to the reduction of provincial contributions but to the reduction

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of railway freights and fares as they ought to go. The same is true of the Post Office except that there I am afraid the question is at the moment rather of finding, so far as it is possible, out of the Post Office revenues money which some people, at any rate, desire to see given to the staff in improvement of their conditions rather than any question of reduction of charges.

I have, I think, now covered all the ground that is covered by the Resolution and I hope that the House feel that they have, at any rate, had a useful discussion on the subject. I have not been able to follow Mr. Rama Aiyangar's figures but I have tried myself to cover broadly the whole question of our expenditure and how far it can or should be reduced and I would suggest to the House that there is no purpose in voting in favour of this Committee and that the House should content itself with having had this discussion and should negative the Resolution.

Mr. O. S. Ranga Iyer: I move that the question be now put.

Mr. President: The question is that the question be now put.

The Assembly divided:

AYES—18.

Abul Kasem, Maulvi.
Chaman Lall, Mr.
Duni Chand, Lala.
Gidney, Lieut.-Colonel H. A. J.
Gulab Singh, Sardar.
Hira Singh Brar, Sardar Bahadur
Capt. n.
Hyder, Dr. L. K.
Majid Baksh, Syed.
Mrs. Pandit Harkaran Nath.
Muhammad Ismail, Khan Bahadur
Saiyid.

Murtuza Sahib Bahadur, Maulvi
Sayad.
Naidu, Rao Bahadur M. C.
Nehru, Pandit Shamlal.
Ranga Iyer, Mr. C. S.
Roffey, Mr. E. S.
Sarfaraz Hussain Khan, Khan
Bahadur.
Sykes, Mr. E. F.
Willson, Mr. W. S. J.

NOES—23.

Ahmad Ali Khan, Mr.
Aiyangar, Mr. K. Rama.
Bray, Sir Denys.
Chanda, Mr. Kamini Kumar.
Clow, Mr. A. G.
Das, Mr. B.
Datta, Dr. S. K.
Hussanally, Khan Bahadur W. M.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.
Lajpat Rai, Lala
Lohokare, Dr. K. G.

Malaviya, Pandit Krishna Kant.
Malaviya, Pandit Madan Mohan.
Mutalik, Sardar V. N.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Reddi, Mr. K. Venkataramana.
Roy, Mr. G. P.

The motion was negatived.

Mr. B. Das: I am glad the voting has come out right and that the subject is going to be discussed in its proper aspect. The Honourable the Finance Member asked this House so very eloquently to negative my friend Mr. Rama Aiyangar's Resolution. I will just reply to him in three words, "Wait and see". I was very pleased to listen to the Honourable the Finance Member explaining the amount of money spent on the nation-building departments directly and indirectly by the Government of India and indirectly by the Provincial Governments. I was very glad to learn that the Government of India do desire the development of the

nation-building departments and that money has been spent on education I wish the Finance Member had given us the amount of percentage increase in money spent on education and under other heads of the nation-building departments. It may be that the Punjab Government has got a certain amount of relief by getting a paltry Rs. 70,000 for provincial education in the North-West Frontier Province and a certain sum of money in Ajmere-Merwara. But I say and this is my conviction, that the amount of increase in education has always been little and very little.

The Finance Member went on to say how various little savings have been carried out in various Departments. He did not mention the Meteorological Department. I thought he might have mentioned how a saving has been effected in that Department, how we will probably be asked to sanction large sums in the next Budget for new buildings for its headquarters and how its headquarters are to be translated from Agra and Simla to some other place; how lakhs and lakhs are to be spent again on buildings and how large observation towers are to be built all over India to study aerial navigation. I do not know whether the Meteorological Department is a nation-building department and whether there is any necessity for the existence of that Department. The Retrenchment Committee was very exact in their recommendation and my honourable friend Sir Purshotamdas Thakurdas's note on the abolition of certain branches of the Meteorological Department was never given effect to.

The point is that during the War nearly 40 crores of rupees of taxation were levied per annum on the tax-payers. The Finance Member never said one word that the Government of India were going to take steps to reduce this taxation, to reduce the customs duties that were levied for war time exigencies. I think the European countries and even England have reduced taxation. We have not heard one word from the Finance Member to-day or previously that taxation in any shape is going to be reduced. Of course a great deal has been said about provincial contributions and the name of the North-West Frontier Province was brought in several times as if to show that this Assembly was against education in that province. We want the Finance Member to build up the nation-building departments; at the same time we want him to reduce taxation so that the people of India should not groan under the load of taxation as they are doing now.

I also wish that Railways should reduce a certain amount of their expenditure by abolishing extra heavy departments such as the Stores Departments which they have not yet taken any steps to abolish although the step has been recommended very often in this House and by certain Committees. There is now the Indian Stores Department and there is no necessity for the Railways to maintain the Railway Stores Departments and so add to the expenditure. These are all burdens on the tax-payer and the Railway Department could retrench in that way if in no other direction. Incidentally, although the Railways do well now, they put heavy rates on passengers and freight during the War time and they have taken no steps to reduce these rates. They have not seen their way to reduce the coal freight as yet. To-day you cannot take coal from Calcutta to Bombay while South African coal is being sold at a very cheap price there although Indian sentiment is such that nobody wants to use anything that is produced in South Africa, and South African coal ought to be shut out from India, but owing to the shilly-shallying policy of the Honourable Member for Commerce . . .

The Honourable Sir Basil Blackett: On a point of order, Sir, is this question of coal rates in order on this debate?

Mr. B. Das: I was just talking of the reduction of taxation, and the reduction of freight, and unless the coal freight is reduced, the burden would continue to lie heavily on the tax-payer. Well, Sir, I ask the Honourable Finance Member and the Government to act not as the representatives of an alien Government but as the representatives of the Government of India and the people of India. Let them think how this burden of taxation is lying heavily on the people of India, and it is their primary and principal duty to reduce taxation on the tax-payer, and retrenchment there must be. An alien Government is spending crores and crores of rupees simply on the maintenance of law and order, and they, Sir, talk of nation-building! Well, this much I can say, Sir, that the Government of India's talk of nation-building Departments is all hosh; they do very little. That is all I have to say, and I support the Resolution of my Honourable friend, Mr. Rama Aiyangar.

Mr. M. K. Acharya (South Arcot *cum* Chingleput Non-Muhammadian Rural) Sir, I am sure we all appreciate the industry of my Honourable friend and non-official financial expert, Mr. Rama Aiyangar, as also the authoritative pronouncements of the official head of the Finance Department. I am sure that we shall be failing in our duty if we do not say that we are very thankful to both for having raised this debate and for having given to the House the benefit of the very many suggestive ideas which both of the Honourable Members have done. I was very glad to hear from the Honourable Finance Member that a great deal has already been done in the matter of retrenchment; he thinks that therefore there is no need for a Committee. Well, I would just urge this as a general consideration. Granting indeed, as the Honourable Finance Member says, that a very great deal has already been done, the endorsement of what has been done by a Committee appointed by this House will in no way detract from the work that has been done; on the other hand, it will only go to convince us that if any further improvement requires to be made, that improvement will have to be in other directions than in the direction of retrenchment. It will be a matter of gain, in other words, to have the official view endorsed by a non-official Committee that all possible retrenchment has been made and that there is no room for making any further retrenchment. In other words, it is perhaps an open question, though much may have been done or a good deal may have been done, whether it is not still possible to effect more retrenchments. Of course to a general proposition such as that retrenchment for its own sake is not always desirable, or that retrenchment should always go hand in hand with questions of general efficiency and so on, nobody can take serious objection; but in these matters, one has to go into the details very carefully, and find out whether after all expenditure is rightly and wisely incurred; and to such a proposition I dare say the Honourable Finance Member will be the first to agree: and therefore the appointment of a Committee to make sure once for all with regard to further retrenchment, whether it is possible to suggest ways and means for, say, cutting down certain items which may not have been suggested by the old Retrenchment Committee—a new Committee to examine the whole question in the light of the newest figures, to suggest right ways and means in the matter of national expenditure, and what items more and what items less may rightly be spent, may not be altogether out of place. I go further and claim that from time

to time—I do not say whether it should be two years or three years—but from time to time it is very necessary that we should have such Committees to inquire very carefully into the various heads of expenditure, and to ascertain from time to time whether on any heads more is spent than is absolutely necessary in the best interests of the country.

The Honourable the Finance Member has said that a great deal has already been done and possibly in no Department more than in the Military Department. He has been giving us some general figures to show that much has been done. I am not for a moment disposed to dispute the veracity of the statement of the Honourable the Finance Member. I take it that it is perfectly correct; but, as I said, the matter is still open. I am also thankful for the assurance that the Finance Department is very carefully inquiring and almost every day seeing to it that as much more retrenchment is effected as they can see their way to. So that with respect to the first two items for which Mr. Rama Aiyangar wants this Committee, namely, to ascertain the retrenchments in expenditure so far carried out and the possibility or otherwise of further carrying out such recommendations, I will content myself with saying that though it may have been done already, or though much has been done already, there is nothing wrong, and certainly it is not undesirable, that a fresh Committee should again examine the whole matter and see if any further cuts can be made and if any further savings can be effected.

With respect to the other items, with respect to what appears as No. 3,—wiping out provincial contributions—there again I am thankful to the Honourable the Finance Member for repeating the assurance that it is the settled policy of Government to wipe out provincial contributions at as early a date as possible and to do everything in their power to carry out this policy of reducing provincial contributions from year to year until at a very early date they are wiped out altogether. I am thankful to him for repeating this assurance. At the same time, I am afraid that the value of that assurance was rather minimised by the threat he held out to us, and the dilemma into which he said we had drawn ourselves by what he called our decision to spend a large amount on some other item. He said that having already remitted so much on some other item, it is quite reasonable to say that the question of further reductions in the matter of provincial contributions has been jeopardised. Now, with respect to that I would like to raise this point whether it is not possible to meet both the items; if the Finance Member could not do it himself, whether a Committee might not well be appointed to inquire if it is not possible to make the remissions in the matter of the cotton excise duty, which I dare say was the item the Honourable the Finance Member referred to, and whether it is not also possible to carry on the scheme of reducing provincial contributions, in which a beginning was made last year. I should have been very much gladder if I had heard that it is not the intention of the Government of India to give up this proposal this year; but that was not the way in which the Finance Member put it. I have no right to anticipate what is yet to come up, what pleasant surprises the Finance Member may have for us. I hope when at the end of this month or the beginning of the next month the Finance Member brings out his Budget for the next year and gives us exact figures, it will be possible for him to announce further reductions in provincial contributions. I quite grant that it is not

[Mr. M. K. Acharya.]

fair for us to ask him in advance to tell us what he has in store for us. However, I do believe that if the question of reductions in provincial contributions steadily should be faced by us immediately, and if necessary this matter should be inquired into by a representative Committee, namely, whether in spite of the remission of the cotton excise, in spite of it, we cannot carry out a substantial measure of reduction in provincial contributions also. I need hardly say that the province from which I come is very keen about it and for obvious reasons. It is too late in the day for me to go into the whole question, for it has been admitted that an injustice has been done to Madras by laying upon her a very heavy burden. Therefore, I shall not waste the time of the House in repeating things which practically everybody has admitted; but I have to draw the attention of the Honourable the Finance Member to what is happening in Madras. There is a very strong feeling on this subject. In fact, instructions if not mandates are being issued to us here who represent that province that we must do everything in our power to see that this matter is tackled very sympathetically and very successfully. I hope, therefore, the Finance Member would seriously give his very best consideration to the subject whether in the coming year further reductions in provincial contributions will not be possible.

Lastly, Sir, I hope the time will come when it will be possible to discuss the way in which the balances in the Railway Budget are being applied, such as in reducing the third class fares. I hope we shall have an opportunity when the Railway Budget is before us to express our opinion as to what has been done in the matter. I hope we shall have ample opportunity to go into this question. Just now I think I must endorse what my Honourable friend Mr. Rama Aiyangar has said at least with regard to some of the railways which are run in our province that I do not believe that the reduction in third class fares which has been effected is at all sufficient or at all adequate, and that a further reduction in third class fares ought to be insisted upon in the best interests of those for whom we have to sit in this House, namely, the poor third class passengers. But, as I said, I hope it is a matter for which we shall have plenty of time to discuss when the Railway Budget comes up. Similarly, with respect to Posts and Telegraphs, I hope I am not giving out any secrets when I say, as a member of the Standing Finance Committee, that probably the expenditure under this head in the coming year may be even more than what it has been in the last year. Therefore the chances of any reductions in the postal rates may be far less. Still, it is a perfectly legitimate question to discuss whether we shall not be justified in bringing down the postal rates if we can do so. These are, therefore, questions which rightly and legitimately have to be inquired into and I for one certainly think it very right that a Committee should be appointed to inquire into these matters. What the final opinion of that Committee will be, what their recommendations will be and how far this House or the Government will be able to carry them out, will of course depend upon points that cannot now be settled. Therefore, I would urge that in spite of the fact that the Government have made large reductions in the past, in spite of the fact that we are committed to a policy of retrenchment and in spite of the assurances that Government are doing their very best, it is still open to us to say that the matter should be inquired into by a Committee. That does not mean that we disbelieve the Government. But, taking the

Government as it is constituted, it is quite possible—I hope I am casting no aspersions on anybody—so far as the Government is not responsible to us—it is possible that the Government think many questionable items of expenditure to be very rightly incurred. From their standpoint they may consider it to be exceedingly beneficial to the country to incur some expenditure which from our standpoint we may not deem so beneficial. Constantly such items come up and the policy of Government is intermingled with them. All Governments think that they are infallible. They think they are infallible, absolutely right, always

4 P.M. doing the very best and humanest thing, but the question is whether that would be endorsed by a non-official Committee. I say if this Government were responsible to the people, then probably there would be less need for a non-official Committee to go seriously into this question of expenditure, and so on. But because this Government is constituted as it is, because it thinks it is infallible and is doing the very best thing, it is desirable there should be a Committee to inquire into the ways and means of Government expenditure and to see that as far as possible the best interests of the general tax-payer are adequately safeguarded. Therefore while I do not for a moment doubt the assurance given by the Honourable the Finance Member I yet feel that there are very good reasons why there should be a Committee to re-examine these two questions—whether taking the financial position of Government as it is to-day, it is not possible to wipe out provincial contributions, and secondly whether it is not possible either to reduce taxation or to see that the taxes are spent on better and more useful purposes. For such objects as these a Committee may be well appointed. Therefore I ask the Honourable Finance Member to see if such a Committee may not be put to some good use, and that he will not treat the suggestion with—I shall not say contempt—but with the indifference with which he wants the House to treat it. Everybody will agree with me that we are very greatly indebted to Mr. Rama Aiyangar for bringing the matter before us. I am very sorry that there is not a larger attendance in this House at the present moment, and that more of my friends do not take a greater interest in this matter. No doubt it is a little troublesome, but it is a duty we owe to ourselves that in these important questions of finance we ought to take a greater interest and although I am not as well informed as my friend Mr. Rama Aiyangar I still have tried to follow what he has been saying, also what the Honourable Sir Basil Blackett has been saying. I think there are others better than myself who would give their very best attention to this subject. (Durwan Bahadur T. Rangachariar: “What about the Swaraj Party?”) Our Party, Sir, stands in no way inferior in this matter. I think when the proper time comes we shall probably solve these questions as well as the Honourable Finance Member. If we choose we can even I might perhaps study these figures to better purpose. We are just now fighting for more serious, more vital things, things that touch the very heart of the nation. By that I do not mean to say that this is not important but as it is, there are other things more important still. We want to live up as freemen before we look to comforts. But let it not be understood that the Party to which I have the honour to belong is less interested in questions of finance than the party to which Mr. Rangachariar belongs. However this is by the way. I wish the gentlemen of his own party had been present in this House in larger numbers to listen to my friend, Mr. Rama Aiyangar.

Mr. H. G. Cocks (Bombay: European): Sir, whatever lack of enthusiasm there may have been earlier in the afternoon, I think we must agree that it is increasing as the debate develops and we can compliment the Honourable the Finance Member that the division decided that we should continue to consider the question of retrenchment rather than go on to the conditions of industrial workers. I had no intention of speaking in this debate because I was sorry for Mr. Rama Aiyangar. I did not feel like supporting him and I had not the heart to oppose him. However, as the discussion is developing, I am very anxious to say one or two words. I cannot support his Resolution because I do not like his proposal for a mixed committee of officials and non-officials. Neither do I like the terms of reference which he has put in his Resolution.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): You would like a non-official committee altogether

Mr. H. G. Cocks: Sir, if there is any committee suitable for this task, it is a small expert Committee on the lines of the Tariff Board. I have often thought that the Inchcape Committee, which came out to this country a few years ago, though it did very good work in a sense, did only half the work because it was very rushed and because it could not go into all the details of our expenditure. If we look at England we see they have had there practically continuous committees on retrenchment, and although, as I say, I am not prepared to support this Resolution, I do believe that there is something to be said for a committee,—an Economy Board—on the same lines as the Tariff Board, which would go round to Customs Houses and Post Offices and Government offices and really overhaul the whole expenditure from top to bottom and see the working of each concern if possible for two or three weeks. If that were done I think it would be exceedingly useful. I do not say it would be possible for that Committee to include Railways, possibly not Post Offices, but it would be possible to have more than one committee. I am quite sure, knowing what can be effected in retrenchment in business, not by a committee sitting for a short time, but continuously by the heads of businesses, something in the shape of a continuous committee, a committee in constant session, would be extraordinarily valuable not only to the tax-payer but to the Finance Member. The chief benefit of that committee, as compared with the Finance Department, would be that it would be a committee consisting of an official chairman and two expert business men, quite unconnected with the Government of India, and also not necessarily connected with this House. The Honourable Finance Member suggested that it was very useful to have a retrenchment committee perhaps once in 20 years. I am afraid I must join issue with him there for I think something more continuous is certainly necessary.

The Honourable Sir Basil Blackett: The Finance Department is continuous

Mr. H. G. Cocks: The Finance Department is certainly continuous, but to my mind it is not the same thing as a retrenchment committee in that it cannot go round the country and look into expenditure. Take an ordinary business, take the salary bill of an ordinary business, the business man, after three months of the current year has run, compares his salaries with the three months of the previous year

The Honourable Sir Basil Blackett: So does the Finance Department.

Mr. H. G. Cocke: The Finance Department does that partially, but the Honourable the Finance Member will remember that in the Public Accounts Committee it was stated that many Departments did not compare their expenditure and it was only recently that orders were issued for that to be done. I hope great improvement has taken place in that respect. But it would be a very great help to the Finance Department if a small expert committee could be appointed and could sit in constant session. I do not say that if I were in the Government of India I should like it; I am quite sure I should not. It is annoying to have a committee going into one's business, but as the Home experience shows, continuous committees are necessary

The Honourable Sir Basil Blackett: That is because they did not put the Geddes' Committee's recommendations fully into force.

Mr. H. G. Cocke: They were not all put into force, but many of them were. Perhaps they were not so thorough as the Government of India have been in dealing with the Inchcape Committee, but a continuous expert committee would nevertheless be very valuable to the country.

Sardar V. N. Mutalik (Gujarat and Deccan Sardars and Inamdars: Landholders): Sir, although I have got a good deal of sympathy with the Resolution moved by my Honourable friend Mr. Rama Aiyangar, I am inclined to support the view expressed by Mr. Cocke. My own view, Sir, is that a committee of non-officials and officials would not be able to serve the purpose in view at this stage. We have already the issues framed and the findings of the Retrenchment Committee before us. According to the Honourable Mover, the question is that full effect has not been given to all the recommendations. I think, especially when a question of this sort has to be examined, it could be better examined by the experts of the Finance Department; and if, in spite of what the Honourable Finance Member himself feels, he puts one or two officers on this special duty, not necessarily permanently, but for a period of two or three years, and if they can find out what exactly can be done and what field there is for retrenchment, it will serve a very useful purpose. This House also will get the benefit of the recommendations of those special experts, and if that recommendation comes before the House it will help the budget debate as well as the Finance Committee of this House. I fully accept the view of Mr. Cocke that there should be some experienced non-official associated with the official experts, so that we would have in effect a very small committee; and the whole question can be gone into and we shall be able to have, I suppose, a good deal of retrenchment and we can ascertain exactly how much retrenchment is possible. All that Mr. Rama Aiyangar wants is retrenchment and as a consequence relaxation of the taxation which we have been laying on since 1920-21. It must be painfully admitted that in spite of the fall in prices we are maintaining the taxation at the same high level at which we had it in 1921, and it is only recently that we got a relief by the abolition of the cotton excise duty. I also admit there has been a rise in prices and the whole possibility will have to be gone into carefully. The rise in salaries will have to be taken into consideration, but all these questions certainly must be gone into carefully by experts. I am afraid non-officials do not have real experience like experts and they will not be able to find either the time or the exact knowledge of departmental working

[Sardar V. N. Mutalik,]

needed for the purpose. I endorse the view of my Honourable friend, Mr. Cooke; and I think, if the Honourable Finance Member consents to this proposal, it will be desirable that my Honourable friend should withdraw his Resolution.

Khan Bahadur W. M. Hussanally: Sir, I was rather surprised a little while ago when I found my friends on the Government Benches not voting in the division one way or the other, when a closure was proposed. I thought then that they wanted to snatch a vote and I believe that is the case. It is impossible for any one not to have any sympathy for the proposition of my friend, Mr. Rama Aiyangar, in a matter like this. Unfortunately, the Honourable the Finance Member gave us no figures whatever to give us any idea as to how far the retrenchments proposed by the Retrenchment Committee had been carried out and whether there has been any intention to carry out the recommendations of that Committee in full. On the contrary, I think it is his opinion that no further retrenchments are possible. If that be the position that the Government are going to take, I think it is high time that a Committee as proposed should be appointed. (*The Honourable Sir Basil Bluckett*: "It is not.") (An Honourable Member said something which was inaudible at the reporters' table.) I do not know what my friend behind says, but he ought to speak out so that we can understand what he means. I wish Mr. Cooke had proposed the permanent committee that he was talking about in his speech; but since he has not proposed any amendment to that effect, I think that Mr. Rama Aiyangar's proposition ought to be carried. One more reason why I am supporting that proposition is it is high time for the Government now to think of taking off the fifty crores of extra taxation that we sanctioned in the very first year of the existence of this Assembly, if not all at once, at least gradually. But the Honourable the Finance Member gave us no indication whatever in his speech whether that is the Government policy or not. The whole country is crying on account of that extra taxation, and in my humble opinion that extra taxation must go even before provincial contributions. However important it is that Provincial contributions should be abolished, I think that the fifty crores taxation that has been imposed on the country during the last five years must go, and if for no other reason, it is for that purpose that I will support this proposition so as to find ways and means to get rid of that extra taxation.

Mr. G. G. Sim (Financial Commissioner, Railways): Sir, I do not rise in order to controvert Mr. Rama Aiyangar's figures, because, like the Honourable the Finance Member, I am unable to understand them. I have controverted figures previously put forward by him in this House and I have recently under instructions given by the House itself had to do so in very considerable detail.

As regards the figures he has now put in his list, I should like to ask him how, if his figures are correct, as they appear to show, that while receipts in Railways have gone up by 2 crores, the expenditure has risen by 8½ crores and net receipts have consequently been reduced by a crore and a half,—how it is that those enormous reserves of the Railways have been accumulated to which he referred. Incidentally I was horrified to find, as Chairman of the Standing Railway Finance Committee, the Honourable Member suggesting that those reserves should be diverted to other departments or utilised for reducing the provincial balances. Nor do I,

Sir, propose to enter into any discussion regarding the proposal put forward by two recent speakers that instead of having a non-official committee, there should be an expert committee by which they presumably mean an addition to the official staff of the Finance Department. The reason why I have risen is to enter a mild protest on behalf of the Standing Railway Finance Committee, of which I have the honour to be the Chairman, for the manner in which it is proposed in this Resolution to supersede them, and also for the manner in which the Honourable Mover of this Resolution and other Honourable Members have entirely ignored the very solid work done by this Committee during the last year on this very matter. It will be within the recollection of the House that during the last Railway Budget debate, Mr. Rama Aiyangar was induced to withdraw a motion which he put forward for a reduction of some crores of rupees in railway expenditure on an undertaking being given by the Honourable the Commerce Member and the Honourable the Finance Member that all his articles in connection with the Inchcape Committee's Report, in so far as they related to Railways, would be examined by myself and by my unfortunate office and would be discussed in the Standing Railway Finance Committee. In accordance with that undertaking the matter was gone into at very great length in the Standing Railway Finance Committee. If Honourable Members will refer to the proceedings of the Standing Railway Finance Committee, they will find that Mr. Rama Aiyangar's articles and our comments on every individual figure in those articles occupy nearly the whole of this volume which I hold in my hand. They run from page 14 to page 69 of the first volume of the proceedings of the Committee for the year. Now, Sir, there was no attempt made in these papers to treat the Honourable Member's arguments in any other way than seriously. The first four or five pages give elaborate reasons showing how the Honourable Member has dealt with the subject in a way that would not commend itself to persons conversant with the working of Railways. In addition to that, Sir, every paragraph of his articles has been carefully analysed. I presume all Honourable Members have read these books. The comment on the first paragraph begins "Every statement in this passage is incorrect." That is a comment made by the Railway Board, and complete details are then given showing exactly how the Honourable Member has gone wrong in his figures and calculations. All his articles are examined at length and the Standing Railway Finance Committee discussed the matter at a committee meeting held in Bombay. After the discussion had proceeded for some time an Honourable Member moved the adjournment, and I would like to read from the proceedings of the Committee, in case Honourable Members have not read it, as I wish to draw the attention of Honourable Members to the nature of this motion which was carried at the instance of a non-official member of the Committee. The Committee, as the House is aware, consists entirely of non-officials with the exception of my unfortunate self,—and this Resolution shows clearly that in the opinion of that Committee at any rate—a Committee elected by this House—full consideration has been given and very full replies have been given by the responsible authorities in the Railway Board to the elaborate articles by the Honourable Member. This is the extract:

"Mr. Patel proposed that Mr. Rama Aiyangar should be given an opportunity, if he wished, to submit a rejoinder to the remarks of the Railway Board in time for the matter to be taken up for discussion at the July meeting of the Committee; that no further reply should be written by the Railway Board to such rejoinder (if any) and that any points on which Mr. Rama Aiyangar took issue with the conclusions of the Railway Board be settled by oral discussion in the Committee."

[Mr. G. G. Sim.]

Sir, so satisfied was the Committee with the manner in which I had dealt with Mr. Rama Aiyangar's previous articles that they forbade me to write any more on any subsequent article of the Honourable Member. I regret, Sir, that the Honourable Member who moved that Resolution on the Committee is no longer on the floor of this House in order to explain clearly to the House the reasons why he brought forward that particular motion and to explain what he thinks of Mr. Rama Aiyangar for bringing this matter forward in this House after the thorough manner in which it was discussed in the Committee and without any reference to the labours of the Committee.

In accordance with the decision of the Committee, at the next meeting, the Honourable Member again brought forward a supplementary memorandum. It occupies 10 pages of the proceedings of the Committee held on the 20th July at Calcutta. This matter was again discussed at considerable length with the Honourable Member by the members of the Committee. Finally, Sir, as Honourable Members will see from the proceedings, Mr. Jamnadas Mehta moved that certain figures of comparative receipts and expenditure should be collected by the Financial Commissioner and that in the light of information brought out from these figures the Committee should consider whether Mr. Rama Aiyangar's suggestions could be usefully further pursued. These further figures were collected and were discussed at length by the Committee at a meeting on the 20th January last. We considered it necessary to go fully into the matter before the Committee was asked to make up its mind regarding the budget provisions which will be put forward before this House towards the end of this month. After full discussion the Committee decided that "no useful purpose would be served in discussing any further Mr. Rama Aiyangar's articles on railway expenditure."

Mr. K. Rama Aiyangar: Read the next line in fairness to the Assembly.

Mr. G. G. Sim: The Committee have recorded the reasons for coming to this conclusion:

"The Committee considered that it was no longer necessary to pursue any further the recommendations of the Retrenchment Committee as suggested by Mr. Rama Aiyangar, as the recommendations of the Retrenchment Committee had been given effect to in full and the Railway Board were taking steps to secure economies in many other directions than those suggested by that Committee."

They then go into detail showing clearly that the economies effected by the Railways are far in excess of anything that the Incheape Committee contemplated.

Now, Sir, I do not think it would be right on the part of this House to ignore entirely the views recorded by a Committee elected by this House, which was asked by this House to take up this identical question and which has given very full reasons for the conclusion that has been arrived at. So far as railway expenditure is concerned, the Honourable Member's proposal merely comes to this that the House should ignore the findings of the members of that Committee. For what reason? I know of none. The Honourable Member did not even allude to the discussion before the Standing Finance Committee. Going through every figure produced by the Honourable Member and tracing it to its source occupied my office, Sir, for more than a month, and I am sure that the members of that Committee will bear me out when I say that every consideration was given to the Honourable Member and that the amount of trouble taken by

individual members of the Committee in dealing with the proposals of the Honourable Member was all that the Honourable Member could possibly desire. I hope, Sir, that the House will not, by passing this Resolution, cast any reflection upon the members appointed to that Committee, for I can assure the House that the members of that Committee have had far more heavy work to do than any other Committee appointed by this House and that they have done it more thoroughly than any Committee I have ever had the honour to serve upon. (Applause.)

Lala Duni Chand (Ambala Division: Non-Muhammadian): Sir, I had no mind to speak on this subject nor do I consider myself competent to speak on this subject. It is the apologetic nature of some of the speeches and the apologetic attitude of some of the Members of this House towards the subject that has induced me to say a few words. Here is a proposal that is intended to effect further retrenchment. Here is a proposal made in order to reduce heavy taxation and heavy expenditure. What should be the attitude of an average Member of this House towards a question like this? It is a proposal that is intended to benefit my country and I therefore welcome it. I refuse to believe that further retrenchment is not possible. I believe that there is room for even ten Incheape Committees to sit for further retrenchments. There is room for an all-round retrenchment. Nobody can deny that the administration of this country is top-heavy and most costly.

The Honourable Sir Basil Blackett: I deny it, Sir.

Lala Duni Chand: Nobody can deny that the taxation is killing.

The Honourable Sir Basil Blackett: I deny it.

Lala Duni Chand: You being the Finance Member, it is your business to deny it. These being the facts, we should see, when a demand like that is made and when there is an opportunity to put Government in an awkward position, whether we should not take the utmost advantage of the occasion in order to put the Government in an awkward position. Whether any good will come out of it or not I cannot say, but here is a proposal, a concrete proposal, the object of which is to do good to the country and we should welcome that proposal. It is in this spirit that this Resolution should be considered. There is no necessity for us to be very grateful to the Honourable the Finance Member. The Honourable the Finance Member does not require our gratefulness. Of course, he is all powerful, but what is really needed is that all possible retrenchments should be tried in all directions. I therefore think that it is from this point of view that the House should vote upon this Resolution and pass it.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Sir, the Resolution before the House is of greater importance than seems to be realised by some of us, and I wish to say a few words about it. I fully acknowledge the good work done by the Finance Department and by the Honourable the Finance Member in promoting retrenchment of expenditure. I fully acknowledge the good work that Mr. Sim has done as Chairman of the Railway Standing Finance Committee, and I acknowledge it with sincerity. I am grateful to the Government for having given effect to the recommendations of the Incheape Committee to the extent to which the Honourable the Finance Member has told us they have given. Without going into the figures I think that there is room still for considering the idea put forward in the Resolution of

[Pandit Madan Mohan Malaviya.]

Mr. Rama Aiyangar. I just want to invite attention to the real situation. There is no doubt that about Rs. 40 crores have been added as taxation since the War. There is no doubt that taxation stands very high. The reduction, the abolition of the cotton excise duty, when it comes about, will not affect that situation. The cotton excise duty should never have been levied and therefore its abandonment will only be the right course for the Government to adopt. The reduction of the salt duty from Rs. 2-8-0 to Rs. 1-4-0 does not enter into the calculation. The salt duty was raised to Rs. 2-8 per maund not during the War but after it and it was right that it was brought down to Rs. 1-4. I acknowledge the reductions proposed in the railway fares. In short I acknowledge all the good that has been done. But I would still invite the attention of the Honourable the Finance Member and of the other members of Government to the desirability of examining this question by the appointment of a retrenchment board or a retrenchment committee consisting of some officials of course and some non-official Members also of this Assembly, to examine what further reductions are possible. As the Resolution says to inquire and report upon the retrenchment of expenditure so far carried out in pursuance of the recommendations of the Retrenchment Committee and the reasons for not carrying out, if any, the rest of the recommendations. The Honourable the Finance Member has told us that military expenditure stands now at 56-24. So far so good. But in the paragraph which has been referred to before the Retrenchment Committee said—

“We do not however consider that the Government of India should be satisfied with a military budget of Rs. 57 crores, and we recommend that a close watch be kept on the details of military expenditure with the object of bringing about a progressive reduction in the future. Should a further fall in prices take place, we consider that it may be possible, after a few years, to reduce the military budget to a sum not exceeding Rs. 50 crores, although the Commander in Chief does not subscribe to this opinion. Even this is more, in our opinion, than the tax-payer in India should be called upon to pay, and, though revenue may increase through a revival of trade, there would, we think, still be no justification for not keeping a strict eye on military expenditure with a view to its further reduction.”

We are far away from 50 crores net yet. But that is the goal which the Finance Department ought to reach. We have also heard that in this very year the English Government have reduced their military budget by 20 millions. I hope that is correct.

The Honourable Sir Basil Blackett: Not yet.

Pandit Madan Mohan Malaviya: My friend must have better information on that point than I have. So I shall not base any argument on that. But what I submit is this. Here is a definite recommendation of the Committee which was presided over by a very capable business man. The Government of India have done him and his Committee the honour of carrying out the recommendations of the Committee. That very Committee recommended that the Government should try in a few years to bring down army expenditure to 50 crores. A few years have elapsed. Conditions have changed. Prices have gone down, but the condition of the people has not improved. One very sad evidence of the fact is to be found in the large reduction in the income-tax revenue. There is a fall of 4-77 crores in the income-tax revenue. That is a very sad indication that the people are not prosperous. In view of these facts, is it not desirable that there should be a further examination by some very capable men, not a large

committee, but a few very capable men, one or two experts and some Members of this House who should be associated with them, to see where military expenditure can be further reduced. I am sure it is not a reflection against the Finance Department of the Government of India, I am sure it is not want of appreciation of what has been done that prompts the proposal contained in the Resolution but the sheer necessity of bringing down expenditure further. The Honourable the Finance Member agrees that it is certainly not economic to spend more on the Army than is necessary. There has been a complaint for years, for decades, that the military expenditure is excessive. Here is a recommendation by Lord Inchcape's Committee standing out against it. Mr. Rama Aiyangar's figures may be wrong, Mr. Rama Aiyangar's arguments may be inconclusive or unsatisfactory, but you have got the standing recommendation of the Inchcape Committee that you must work down to the figure of 50 crores. Many of us think that the figure should be lower than that, that it should go down to 40 crores. But leave that apart; we have the recommendation of Lord Inchcape's Committee that the expenditure should go down to 50 crores. Is it not a question worth examining? That is the first part of the Resolution. Assuming that there is no recommendation possible for further reduction at the moment, if there was an examination by such a committee, showing exactly what has been done, showing why more has not been done and also suggesting when it might be possible to do more, that certainly would be a help to Government and to the public. That much with regard to the first item in the Resolution.

The second clause of the Resolution deals with the possibility or otherwise of carrying out retrenchment beyond those recommended by the Retrenchment Committee. That is I take it because of the last sentence in the quotation from Lord Inchcape's Committee's Report which I read a while ago where they said that though revenue may increase through a revival of trade there would still be no justification for not keeping a strict eye on military expenditure with a view to its further reduction. We have therefore to examine further possibilities of reduction. The third deals with wiping off the provincial contributions. There is no doubt the Finance Department have been dealing with this question, and I hope, whether this Committee is appointed or not appointed, I do hope that the Finance Department will be able to wipe off these contributions, if not in a year, in the course of two or more years. But if the question is examined by a Committee the Government will not be hampered, it will be helped by such an examination. The last item relates to the reduction of taxation that has been imposed on the country since the commencement of the War. The altered conditions which have come into existence since the War ended have all to be brought under examination. This taxation ought to be reduced. I am certain that every Member, the Honourable the Finance Member included, would desire that this taxation should be reduced. I agree with him that expenditure may be increased and profitably and rightly, but then there must be also a growing national income. If the average national income is not growing, if the taxation is wrung out of the people, out of the poor incomes that they have, then certainly that is not a matter of satisfaction, and it has to be found, with the help of the report of the Taxation Inquiry Committee also, whether there is anything which can be done in that direction. The whole problem, Sir, is one of very great importance, and of vital importance to the people. I do think that either in the form recommended by Mr. Rama Aiyangar or in some other form a further examination of public expenditure should take place. With due respect to the

[Pandit Madan Mohan Malaviya.]

Honourable the Finance Member, Mr. Rama Aiyangar's proposal does not seem to me open to any serious objection, because his proposal is that

"This Assembly recommends to the Governor General in Council that he be pleased to appoint a mixed committee of officials and non-officials to inquire into and report upon . . ."

the points mentioned. Now, I submit that a Committee like that would be able to render some helpful service to the Finance Department and to the Government of India and certainly to the people. If the result shows that nothing more is possible than what has been done by the Department of Finance we shall record our gratitude to the Department, but we want to be satisfied that more cannot be done. We feel that a great deal more can be done. We may be wrong. If there is an examination which satisfies us that we are wrong it would take a great burden from us. For these reasons I commend this Resolution to the consideration of the Honourable the Finance Member and the Government of India.

Sir Purshotamdas Thakurdas (Indian Merchants Chamber: Indian Commerce): Sir, I did not expect to take any part in this discussion at all to-day, but the way in which the discussion has developed makes me feel that I should put to the House one or two considerations at least as to why a Committee of the nature recommended by my friend Mr. Rama Aiyangar is neither feasible nor is it advisable for this House to vote for it. Having worked with Mr. Rama Aiyangar during the first year on the Finance Committee and during the second year on the Railway Finance Committee, I have personal experience of the great industry that my esteemed friend bestows on any question in connection with finance and especially any question in connection with economy in the administration of the Government of India. To that extent anything coming from him should always command attention from this House. But I submit that in the Resolution that my Honourable friend has tabled to-day he, if I may say so, asks for a Committee for what I submit should be done by means of Resolutions moved in this House. He wants a Committee, Sir, for the purpose of finding out the retrenchment in expenditure which has not been carried out as recommended by the Indian Retrenchment Committee. I feel that this is a matter which does not require a Committee: it is a question of looking at the various statements that before now have been put before this House and finding out the position. I remember, Sir, at least one statement laid before the House by the Finance Department showing the extent to which certain recommendations of the Retrenchment Committee were not carried out, and giving reasons for it. It is very much to be deplored that when a Resolution of this nature is discussed before the House, neither the Honourable Mover of the Resolution nor my Honourable friend, the Finance Member, give a single instance showing that of the 19 crores and 52 lakhs, so many crores and lakhs have been secured by retrenchment. My Honourable friend, Mr. Rama Aiyangar, when asked by Mr. Rangachariar, said that he has a statement which unfortunately he has not brought with him. The Honourable Finance Member says that the officers of the Finance Department are over-worked at this time with regard to the Budget figures, and he unfortunately has not been able to get together the figures which would conclusively prove to this House whether a Committee was necessary at all or not, which would have told us how many crores or how many lakhs remain still to be accepted by the Government of India by way of retrenchment. It is quite possible that it is not crores but just a few lakhs; or if

it is a question of a few thousands, perhaps the House would not have considered the Resolution any further than it did when the first division was called, but I do feel that when an important Resolution of this nature is being considered by the House, it ought to be looked upon as the duty of the Honourable Mover himself or of the Member in charge of the Government Department to tell the House the figures which alone can lead us to the correct conclusion. But I wish, Sir, to leave that point only with a passing reference to it.

Now Mr. Rama Aiyangar wants a Committee to find out how much of the amount has been accepted by Government and what amount has not been accepted by Government. I submit to him for his serious consideration that a Committee is not required for that purpose. I have a recollection that the Finance Department in 1924 did put before this House one or two statements giving the various items which the Government of India have not or rather had not accepted till then. I also believe that if my Honourable friend had his doubts about a few more items, it was a question of getting the necessary information by means of further questions or by correspondence from the Finance Department. I therefore feel that for No. 1 no Committee is either necessary or desirable. Regarding No. 2, the possibility or otherwise of further carrying out such recommendations or economies, I submit that when the Government say that they cannot accept the Inchcape Committee's recommendations in full, and when my esteemed friend feels that they ought to have accepted some items involving say half a crore or a lakh as the case may be, it is for him to move a Resolution to this effect or to bring up the question at budget time. I do not think that any Committee can go further into it, nor do I think we can expect any Government, either bureaucratic or democratic, either responsible or not responsible to the House, to set up a Committee for that purpose. It is for this House to say whether a certain amount rejected by the Government of India out of the cut recommended by the Inchcape Committee should be enforced or not.

Mr. K. Rama Aiyangar: Move a Resolution on military expenditure

Sir Purnshotamdas Thakurdas: I hope that my Honourable friend will not get irritated because I cannot support his Resolution. It is a privilege and a responsibility which I owe to the House to put before them my opinions as they may be. If I feel anything can be done in the Military Department, I can assure my Honourable friend that I will move a Resolution in that connection as soon as I think that the time for it is ripe or that whatever I may suggest is feasible.

Regarding Item No. 3, the possibility of wiping out provincial contributions by the Government of India immediately, I really wonder whether that question is a question which requires a Committee. It is more a question of the balance in hand or, if I may use the expression, worrying the Finance Member to show us a bigger balance than he perhaps chose to show last year. What can a Committee do? Here is the Budget presented. Last year I was one of those who said that the Finance Member could have shown a bigger balance than he chose to do. My Honourable friend will have an opportunity this year, before many weeks are over, and it will be for him to vote down the Sinking Fund or any other items that he likes and say to the Finance Member "Here is a case for reducing provincial contributions further". Regarding the last item, Sir, as the Taxation Committee's Report is still being awaited, I do not think that this House would like to commit itself at this stage as to a scheme for reducing taxation.

[Sir Purshotamdas Thakurdas.]

But my main point is not that. My main point is that however anxious Members of this House may be with regard to further 'economy, whenever you set up a Committee for the purpose of retrenchment, you upset the working of every Department of Government for a period of a few months. Great uncertainty exists. I am saying that from my personal experience of what I saw when I had the honour of working on the Incheape Committee. Various Government Departments have to attend to the various questions that go from the Retrenchment Officer or the Committee and I put it to the House that it is not desirable to upset the normal working of Government Departments in this connection unless there is a very sound and a very grave reason for it. I suggest that such a contingency has not arisen yet; I hope it will not arise for years to come. There should be no time or period of 10 or 20 years for a Retrenchment Committee. When the finances of the Government go wrong, retrenchment without any consideration may be the order of the day. In the meantime I hope that the word "retrenchment" will be substituted by the word "economy" and I am sure that neither the Finance Member nor any head of Department can say he will not agree to any measure of economy which may be suggested by any Member of this House.

I wish, Sir, to explain for one second more why I have chosen to say what I did. I owe my Honourable friend Mr. Rama Aiyangar an explanation for my inability to support his Resolution. I suggest to him that at the period that we have reached now, when we want greater remission of taxation and faster remission of taxation, what we want more is not so much a demand for retrenchment as a demand for greater income, a demand, Sir, for smaller charges for our public service and greater returns, and I assure him that if he will only turn to it with the same zest that he has given to this question of retrenchment till now he will help the finances of the country much better than he can by this means. I wish, Sir, in conclusion to pay my tribute of admiration for the work that Mr. Rama Aiyangar has done on both the Committees that I mentioned and I only hope that he will now turn from retrenchment to greater incomes for us. (Applause.)

Mr. K. Rama Aiyangar: Sir, I am really very glad that an opportunity has been given to go into the matter so fully. Before I meet the points raised by the Honourable Mr. Sim and the Honourable Sir Basil Blackett, I wish to say a word or two with respect to the observations of my Honourable friend Sir Purshotamdas Thakurdas. I am surprised he feels that Retrenchment Committees are not necessary in India at this stage. I do not know if my friend has really taken notice of the committees that have been set up in Great Britain and in other countries since the War ceased. In fact, Retrenchment Committees are the order of the day. When exceptional fluctuations come in and taxation and other burdens are imposed according to the needs of the circumstances, every Government interested is bound to repeat its attempt at retrenchments as often as is necessary. I make bold to state that, in spite of the regard and respect that I have for the business capacity of my friend Sir Purshotamdas Thakurdas, he has in the richness of his position and the grandeur of his duties forgotten his duty to the poor man in the street. I submit, Sir, that I am not mentioning it in any spirit of personal attack because I have great respect for him. I feel that this question of retrenchment cannot be left simply for the economists and for the various Government departments. I have been in the Finance Committee, both the General Finance Committee and

the Railway Finance Committee. I have also been in the Public Accounts Committee and have gone through all the papers with great care, never missing any opportunity to look into all the figures that are placed before us. I can assure him that neither of these Finance Committees can do anything towards retrenchment. They have only certain records showing the necessity for increasing the expenditure. With the exception of those cases, they have no occasion to look into other matters. They have no occasion actually to take a long view of the situation and also consider the policy of the expenditure of any department. I respectfully submit to my friend Sir Purshotamdas Thakurdas to consider the position. Of course, we have wasted lots of time in them. I cannot at all fail to recognise the extraordinary control which the present Finance Member exercises over the situation. In fact, the control is so great that he can do anything he likes one way or the other. He can add to the expenditure as he likes. He can retrench expenditure as he likes. It is an extraordinary power that he has got. I have been saying this all the time. Unfortunately he is not sympathetic to the poor Indian tax-payer. That is what I have been always complaining of. This is probably the fifth time I have put forward my views on this matter. I have not the least doubt that, if he wants retrenchment, he can enforce it before next year. I know he has talked to-day of providing for the future generations of our country on a long view at the cost of an extra taxation of 40 crores upon the present generation. I have not been able to follow that big philosophy. I do not know how by extra taxation alone he wants to provide for future generations. The present generation will by that time become leaner and leaner and will die in the public streets. The Honourable Sir Basil Blackett tells us that he is thinking of providing for a future generation. I do not approve of that theory at all except to a certain percentage of ordinary revenue being used for such purpose. That is all that can be required especially when there is extra taxation. My Honourable friend began with balancing the Budget. Therefore he got all the money he wanted in spite of retrenchment not being carried out. So he rolls in plenty. Of course, he has put forward the other theory that excesses in expenditure must be allowed in spite of the recommendations of the Retrenchment Committee, where they are needed in the interests of the country for the nation-building departments. I cannot join issue with him at all in that view. Of course, my Honourable friend Mr. Das pointed out the Meteorological Department. That is a question which may probably require consideration. The question of providing for education and other nation-building departments which are under the control of Central Government will certainly meet with a good response from the House.

I will add one more point. My friend Sir Purshotamdas Thakurdas wanted me to quote the various details relating to non-retrenchment. I will take the difference between my figures and those of the Honourable Sir Basil Blackett, and accept the statement that it ought to be 6 crores retrenchment more for military expenditure to carry out the recommendations of the Retrenchment Committee. Even so my friend must accept the need for retrenching 6 crores. I say it is 10 crores. The wording of that recommendation is clear in the portion which I read out. The first clause of the recommendation says that the total net expenditure is 57.75, but on the other hand in the second clause it says "the military expenditure after a few years is to be brought down to 50 crores". The military net budget is the first recommendation, not the second. I have

[Mr. K. Rama Aiyangar.]

no objection to the Honourable Sir Basil Blackett saying that my figures are absolutely wrong. I have taken them from his own reports. If I have been wrong in any figure I will satisfy him that it is his own figure and not taken from anywhere else. I have not taken anything except from his accounts and from his Secretary's memoranda. I am sure he will find that he will have to withdraw his remark after he satisfies himself.

I am very sorry that Mr. Sim dragged me into the controversy which I have now to deal with. An extraordinary resolution was moved by the gentleman for whom he seems to have such great admiration of this kind. It says that:—

"the figures of gross receipts and expenditure of all Railways taken together for 1923-24 and 1924-25 should be analysed with the view to ascertaining whether by making necessary additions to the expenditure of 1913-14 on account of percentages of increased cost referred to in the Railway Board's reply and a proper allowance for increased fares and freights the working cost of the Railways for those years can be justified by present conditions although the operating ratio may be more than 52 per cent. of the gross earnings."

I took objection to that resolution. It was replied to by Government in almost a curious way. They only said while the expenditure was 28 crores for 55 crores income in 1913-14 by adjustment it worked to 72 per cent. of the gross receipts for working expenses, while in 1924-25 it was 62 per cent., so that they wanted to say they worked the Railways more efficiently in 1923-24 and 1924-25, and more economically than in 1913-14. It was only 52 per cent. for 1913-14, and in 1924-25 and 1923-24 it was 62 and 65 per cent. But they say taking the percentages of increase and decrease it worked out to 72 per cent. and the honourable Committee to which reference has been made has accepted it. I am very sorry I was not able to present my views to them at the Committee's meeting, owing to my inability to attend. But what actually happened was that they say that the Retrenchment Committee wanted 8 crores to be got for general revenues from the Railways. But 1924-25 showed that thirteen and odd crores was available and therefore we may shelve the matter. Apparently they did not want that the people should have more money from the Railways if they could get it by economic working. The index figure that was given by the Department was hedged in by a number of qualifying statements whose effect was to say: "We cannot assure you that this is the proper proportion, therefore you can take the statement for what it is worth." But one point I will have to point out for Mr. Sim to consider. I must admit that Mr. Sim has been one of our most conscientious officers, who, though he frets and frowns at those who do not agree with him, has been at the same time very fair in his dealings with us. He has been,

5 P.M. I think, fair but I should not at all say that that fairness extends to the statement he has supplied to us. I think 52 per cent. cannot become 72 per cent. by taking the proportionate extra cost of the working expenses of 1913-14. One point to note is that the average increase of passengers and traffic is 8 to 5 per cent. of the previous year. My friend quietly takes the 1924-25 rates and fares for the total of passengers and total traffic for 1913-14 and multiplies the figures, and he is satisfied. He does not note that with 8 per cent. per annum for 10 or 12 years it will be 82 to 86 per cent. less than in 1913-14 and if the charges for 1924-25 are to be applied to 1913-14 they ought to be reduced by 80 or 86 per cent. to adjust properly. This point has not attracted attention.

I am not satisfied with that. He wants to say he has worked extraordinarily to satisfy himself about the index figure: I feel it is patently unacceptable. I know he is shrewd and he could quite well justify himself by the qualifications he has put in in that statement he has supplied to the Committee. The Resolution was badly worded and he can always escape from a charge levelled against that statement. Certainly I think it was an inspired resolution. Where it came from I do not know. I wrote an article condemning the whole procedure but I did not publish it in the press to avoid unpleasantness.

Mr. G. G. Sim: I only wish to be clear if the Honourable Member is referring to the resolution of Mr. Patel or to that of Mr. Jamnadas Mehta.

Mr. K. Rama Aiyangar: The resolution that I just now read out was by Mr. Jamnadas Mehta. The Honourable Mr. Patel who was on that Committee did vote against Mr. Jamnadas Mehta when he said that the total receipts and total expenditure on Railways should be got and not for each particular railway. That was an absurd position that was taken from the commencement. Because the Honourable Mr. Sim dragged me into this controversy here I am compelled to give a reply. I should otherwise have shelved the whole matter, because my responsibility ceases when a committee which was asked to hear me has done so. Certainly the Honourable Mr. Sim in all conscience cannot be satisfied that he gave a proper treatment to the matter or used a proper method of placing the opinion before that committee. But there are the facts. Let us have them put before any committee that is appointed. Let Sir Purshotamdas, who thinks no more work is necessary for two or three years, compare it and say what he thinks. Are we going to stop retrenchment altogether on the Railways because for 1924-25 they have earned 11 and odd crores? My contention has been that the Railways should yield 21 crores after paying all interest charges. They will continue to improve if Mr. Sim continues in office and I am sorry he has been translated to some other Department. But I dare say the work will continue and we will have 21 crores because the Railways are so widespread in this country and so many Railways are working now at a deficit, and if properly dealt with they will yield an income which will be not only 8 crores which was the figure wanted at the time the Incheape Committee was sitting, but will yield 21 crores. They will give to the country not only the ten and three quarters crores taken into account by the Meston Award, but will have enough reserve fund for reducing taxation and also enough depreciation fund for building up the whole Railways again in the form in which they exist. So much for my being dragged into another matter altogether, which I had reserved in my opening speech purposely because I thought on the demands for Railways I would take this up bit by bit and blow up the whole theory. I give notice now that I will show that every bit of it is wrong and I am positive it will be shown to be wrong; however, that is my own assertion and the Assembly will have to judge of it in time and I await its decision.

Now, coming to the Honourable Finance Member, I have shown first that his references to my great mistakes are not quite accurate. It may be that I have misinterpreted the language; but the language is in my favour. My Honourable friend may say that in effect it means what he says but I rely on the language. Even taking it as he puts it, where is the six crores retrenchment? Is the military expenditure to be allowed to be-

[Mr. K. Rama Aiyangar.]

kept up at that high figure of 56 crores, and is the Honourable Sir Basil Blackett to continue as Finance Member without resigning his post if he cannot effect the retrenchment and if His Excellency the Commander-in-Chief and the military officers at home refuse to retrench it in the way which has been recommended by the Retrenchment Committee and accepted by the Government of India with the consent, I dare say, of the Secretary of State? Six crores reduction means the whole of the provincial contributions being wiped out. Is it not possible? I ask this Committee to go into that and also the order of merit of the remission of taxation and all the other questions I have raised. I have said that so many crores have been taken now from the public during the last 2 or 3 years and spent in reduction of debt or kept as reserved or as a depreciation fund and there has been an extra taxation of 40 crores on the country; and there is no reply to that. The only reply probably will be "We budgeted like that; if there are balances, they will be taken to reduce debts." But certainly you ought to improve the Budget. The Honourable Finance Member has been three years in charge of the Finance Department: he has probably one or two more Budgets to present, and by that time, expert as he is—as I said we have a great amount of admiration for his capacity,—he should not leave us in the unfortunate predicament of budgeting wrongly to the extent of ten crores, five crores in receipts and five crores in expenditure. If on the whole ten crores differences are allowed in the Budget when he leaves us, it will be very unsatisfactory to the country. It should have been improved by this time; as I have pointed out when he presents his revised estimates on the 28th February or 1st March in every year, the rest of the expenditure for the remaining one month should cause only negligible slight changes, so that the revised Budget must almost tally with the actuals. We find there are large differences in receipts, large differences in the expenditure, between the revised estimates and the actuals so that we are not able to frame the next year's Budget with accuracy and advantage to the country. I should certainly like him to improve the Budget. I thank both the Honourable Mr. Cocke and the Honourable Sardar Mutalik for having made that suggestion. The very reason why I worded the Resolution like this was that I wanted to give the widest scope to the Government; and by adopting that procedure I wanted that officials here might be selected, with perhaps non-official experts added, who will be able to arrive at a correct conclusion and satisfy both Sir Basil Blackett and the Government of India and the departments also. I was almost saying that the services of Lord Inchcape, who is now here, might be utilised for the purpose. However, I know Lord Inchcape has gone behind his own committee's recommendations in a speech in Parliament he made some time back; and of course the Honourable Sir Basil Blackett gave the purport of an interview that he has given; but he certainly will not go behind his recommendations to-day if he is asked to sit on a committee and find out why these specific heads have not been retrenched. Let him come again and say "Well, every retrenchment has been taken up and done." In fact, I may say I have examined it in a series of articles, item by item, bit by bit, and I think I drew the Honourable Finance Member's attention to it last year. I gave him under each head how much was sought to be retrenched and how much was not retrenched; I put every item in the form of a table showing the recommendation and actual retrenchment effected and put it into the hands of the Honourable Sir Basil Blackett and the

Army Secretary. I have shown that, according to me, these ten crores, and, according to Sir Basil Blackett, six crores, has to be retrenched. The Honourable Sir Purshotamdas Thakurdas said that without details you cannot say if the recommendations have been given effect to. He is too rich a gentleman; he may think that six crores are nothing for him, but the country feels the burden of taxation all round. He thinks of moving Resolutions at the time of the Budget. The Honourable the President will only pull me up if I attempt to move a Resolution on that subject

Mr. President: The Honourable Member's time is up.

Mr. K. Rama Aiyangar: I shall finish in two minutes, Sir.

Mr. President: The Honourable Member will please bring his remarks to a close.

Mr. K. Rama Aiyangar: Very well, Sir. What I said was that if I attempted to move a Resolution on the subject of military expenditure and point out what has not been done by the Government in accordance with the recommendations of the Retrenchment Committee, I shall be pulled up; but in respect of others I think that instead of putting up a fight amongst ourselves a more responsible Committee should go into the whole question and come to conclusions. I know there was an attempt made to stop the discussion. It is a dry subject. But whatever it is, the position is quite clear. The Committee that I ask for is necessary. I would leave it to the Government to decide what kind of Committee it should be. But they cannot shake off their responsibility in this matter, and I would again ask that Retrenchment Committees should be appointed as often as possible till this taxation is entirely wiped off.

The Honourable Sir Basil Blackett: Sir, I judge by the last remark of the Honourable Member that the only moment when a Retrenchment Committee will cease to be useful is when there is no expenditure to be retrenched, I do not propose to follow him at any length into his controversy in regard to Railways. But I may say respectfully that I am in entire agreement with the Standing Finance Committee for Railways that no useful purpose will be served in discussing further Mr. Rama Aiyangar's articles on railway expenditure.

There are only just one or two points that I would like to take up. This debate, I think, has been quite useful in covering a ground that is not usually covered outside the budget time. Mr. Cocke suggested that instead of having a mixed Committee of officials and non-officials, we should have an Economy Board. If Mr. Cocke means that the Finance Department would be stronger if it had two or three more officials working there the whole time, I think it might be possible to go into the question. But is that retrenchment?

Mr. H. G. Cocke: I said, Sir, non-officials and business men, as you have on the Tariff Board.

The Honourable Sir Basil Blackett: But unless they are there all the time they will be no use. What he proposes is in effect that we should go outside the ordinary methods of recruitment and recruit two business men as whole-time officers (*Mr. B. Das*: "Of the Government of India.") to sit under the Chairmanship of the Finance Member and do the work

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which the Finance Department are already doing. I really put it to the House that that is what it comes to. It sounds very nice. If they are to be useful, they must be there the whole time, and if you are going to do that, I assure you that you would probably get at better results by adding them at once to the Finance Department staff. . . .

Diwan Bahadur M. Ramachandra Rao: Retrenching this way.

The Honourable Sir Basil Blackett: Retrenching that way. I assure you that I should like to retrench some of the time that I have to spend on Finance Department work at present.

Sir, I think that Sir Purshotamdas Thakurdas, with whose speech I am in entire sympathy, put the case against the Committee very well indeed. He complained that the figures were not properly presented. The Finance Department have, I think, on three occasions presented a very full statement itemising all the recommendations so far as they were detailed by the Retrenchment Committee and showing exactly what action had been taken in respect of each of those, and if action had not been taken on any of them the reasons therefor. I remember very well it being complained of in one of the newspapers that the chief achievement of the Finance Department in retrenchment seemed to be to reprint this document at great length. That document was presented and it is now again being brought up to date, though I am inclined to think that this is the last time it is going to be useful. I put it to the Honourable Sir Purshotamdas Thakurdas that there are difficulties which he did not perhaps give full value to in the matter of presenting this subject in the form of figures. If he remembers, the recommendations of the Retrenchment Committee took the form of saying: "We propose this, we propose that". They say, for example, "The total estimates for Medical Services should be limited for 1923-24 to a particular figure". Now, obviously, the figure for 1923-24 is different, owing to changes, to the figure for 1924-25, and the figure for 1926-27 will be different. In some cases we actually put the recommended retrenchment into force and are now restoring it. It is a very hard thing to say that we have accepted exactly 14 crores out of 18 or any figure of that sort. Obviously the figures are not comparable really even after the short number of years that have passed. I should like however to let the House know that as long ago as the middle of last summer I called for a very detailed report from all the Departments of the Government comparing their expenditure immediately after the Retrenchment Committee sat with their expenditure now to show exactly where changes had taken place. I have not got it in full yet. It will be a very detailed document no doubt when it comes. I just mention that to show that this business of watching for economy—I do not want to call it retrenchment—is a business that the Finance Department is continuously exercising and must continuously exercise and that though from time to time an outside committee may be useful, it is not a thing that can normally be carrying on the work of the Finance Department or the Finance Member or the Government of India, especially as, as I mentioned before, a great many of these questions are necessarily questions of policy. I agree thoroughly with Sir Purshotamdas Thakurdas's objection on the ground that a Committee of this sort will really disturb the work of all the Departments of the Government of India for a considerable

period if they are to come together. After all, Sir Purshotamdas Thakurdas will himself not be offended if I say that a large portion of the time of any committee of this sort must be taken up by the members themselves in learning their job. It is a long job and it requires a good deal of examination. A person cannot come from outside and sit down and say, "Here, and here, and here you can economise". Mr. Rama Aiyangar said that if I wanted, I could at once recommend retrenchments. There are a great many directions in which I can come forward and say, "If you will retrench here, you will save so much; if you will retrench there, you will save so much". But, as I said in my earlier speech, every one of those retrenchments will be in nation-building departments, because those are the departments in which there is optional expenditure.

Now, retrenchment in expenditure, which after all amounts to a very small portion of the total on the civil side, namely, expenditure in the nature of salary of staff and so on, is neither easily possible nor at the present time, I believe, possible to any extent at all, in view of the very recent experience of the Incheape Committee retrenchment.

I have nothing to add to what I said as regards military expenditure. A little more emphasis would be laid by me than by my friend, Mr. Rama Aiyangar on the words "after the lapse of a few years". After all it is only three years—it is less than three years at this moment—since the Retrenchment Committee reported that the figure for the year 1923-24 for military expenditure should be 57½ crores. It included a sum of 2 crores for eating into stocks, the real expenditure being 59½ crores. We got it down to 56½ for 1925-26. That is the estimate.

Mr. K. Rama Aiyangar: 60-26.

The Honourable Sir Basil Blackett: The Honourable Member is again off at a tangent and he is taking the gross expenditure. We got the net expenditure down to 56½ including several items of which I mentioned one, which were not included in the Incheape Committee figures. And though I am not in a position to talk at present on the Budget of this year or hereafter, I have already said that I should be very much disappointed if I had for a moment begun to think that Rs. 56½ crores was the end. I ask the House after this useful debate not to vote in favour of the appointment of a Committee for which I am sure the Government of India and myself would at once vote if we thought that it would serve any useful object.

Mr. President: The question is:

"That the following Resolution be adopted:

'This Assembly recommends to the Governor General in Council that he be pleased to appoint a mixed committee of officials and non-officials to inquire into and report upon—

- (1) the retrenchment in expenditure so far carried out in pursuance of the recommendations of the Retrenchment Committee and the reasons for not carrying out, if any,
- (2) the possibility or otherwise of further carrying out such recommendations or other retrenchment,
- (3) the possibility of wiping out the provincial contributions to the Government of India immediately, and
- (4) the scope to reduce taxation that has been imposed on the country since the commencement of the Great War; and if so, how the same may be started."

The motion was negatived.

Mr. N. M. Joshi: I shou'd like to move my Resolution if you will permit me

Mr. President: The Honourable Member from Bombay knows very well that the Chair stretched a point in his favour perhaps not very properly, and gave the House an opportunity to decide whether it should go on to the next item or not. The House decided against him by rejecting the motion for closure. If the Chair were now to exercise its discretion and allow the Honourable Member to move his Resolution and adjourn the discussion to the next non-official day, it would only be to the prejudice of the other Resolutions which have been already ballotted for. The Resolution of the Honourable Member from Bombay is so important that it might occupy the whole of the day and the Chair is not prepared to allow him to move his Resolution at this stage under the circumstances.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 3rd February, 1926.

LEGISLATIVE ASSEMBLY.

Wednesday, 3rd February, 1926

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QUESTIONS AND ANSWERS.

IMPROVEMENT IN THE FINANCIAL SITUATION.

592. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state to what extent the improvement in the financial situation referred to by the Governor General in the notification suspending the levy of the cotton excise duty has been sustained or has improved since, and will the Government be pleased to give some particulars in connection therewith both under revenue as well as expenditure heads?

The Honourable Sir Basil Blackett: I would request the Honourable Member to await the presentation of the Budget.

Mr. A. Rangaswami Iyengar: Is it not possible for the Honourable Member to say exactly on what materials the Viceroy made that statement?

The Honourable Sir Basil Blackett: I shall be able to give the information when I introduce the Budget.

Mr. A. Rangaswami Iyengar: I am asking for information which must already be in the possession of the Government, and upon which the Viceroy based his statement.

The Honourable Sir Basil Blackett: The question as to how far the financial situation has improved since December is one which I shall be able to answer in the Budget. I am afraid I cannot give any additional information now.

THE PROVINCIAL LOANS FUND.

593. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state to what extent the scheme constituting the Provincial Loans Fund has been put into operation in the current year?

The Honourable Sir Basil Blackett: As the Honourable Member is aware, the Provincial Loans Fund started on the 1st April 1925. The total amount of outstanding capital liabilities of Provincial Governments to the Government of India on that date transferred to it under the terms of the scheme is 106·43 crores. During the year 1925-26, the amount of advances from the Fund to Provincial Governments will, it is estimated, be 9·82 crores, against which there will be repayments by the latter on account of previous loans to the extent of 1·22 crores, the balance of 8·60 crores being borrowed by the Fund from the Government of India.

[Sir Basil Blackett.]

which the Finance Department are already doing. I really put it to the House that that is what it comes to. It sounds very nice. If they are to be useful, they must be there the whole time, and if you are going to do that, I assure you that you would probably get at better results by adding them at once to the Finance Department staff. . . .

Diwan Bahadur M. Ramachandra Rao: Retrenching this way.

The Honourable Sir Basil Blackett: Retrenching that way. I assure you that I should like to retrench some of the time that I have to spend on Finance Department work at present.

Sir, I think that Sir Purshotamdas Thakurdas, with whose speech I am in entire sympathy, put the case against the Committee very well indeed. He complained that the figures were not properly presented. The Finance Department have, I think, on three occasions presented a very full statement itemising all the recommendations so far as they were detailed by the Retrenchment Committee and showing exactly what action had been taken in respect of each of those, and if action had not been taken on any of them the reasons therefor. I remember very well it being complained of in one of the newspapers that the chief achievement of the Finance Department in retrenchment seemed to be to reprint this document at great length. That document was presented and it is now again being brought up to date, though I am inclined to think that this is the last time it is going to be useful. I put it to the Honourable Sir Purshotamdas Thakurdas that there are difficulties which he did not perhaps give full value to in the matter of presenting this subject in the form of figures. If he remembers, the recommendations of the Retrenchment Committee took the form of saying: "We propose this, we propose that". They say, for example, "The total estimates for Medical Services should be limited for 1923-24 to a particular figure". Now, obviously, the figure for 1923-24 is different, owing to changes, to the figure for 1924-25, and the figure for 1926-27 will be different. In some cases we actually put the recommended retrenchment into force and are now restoring it. It is a very hard thing to say that we have accepted exactly 14 crores out of 18 or any figure of that sort. Obviously the figures are not comparable really even after the short number of years that have passed. I should like however to let the House know that as long ago as the middle of last summer I called for a very detailed report from all the Departments of the Government comparing their expenditure immediately after the Retrenchment Committee sat with their expenditure now to show exactly where changes had taken place. I have not got it in full yet. It will be a very detailed document no doubt when it comes. I just mention that to show that this business of watching for economy—I do not want to call it retrenchment—is a business that the Finance Department is continuously exercising and must continuously exercise and that though from time to time an outside committee may be useful, it is not a thing that can normally be carrying on the work of the Finance Department or the Finance Member or the Government of India, especially as, as I mentioned before, a great many of these questions are necessarily questions of policy. I agree thoroughly with Sir Purshotamdas Thakurdas's objection on the ground that a Committee of this sort will really disturb the work of all the Departments of the Government of India for a considerable

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THE MADRAS LAND REVENUE BILL.

594. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state:

- (a) whether they are still considering the draft Land Revenue Bill submitted by the Government of Madras more than a year ago;
- (b) if so, when the Bill may be expected to reach Madras; and
- (c) whether there is any intention on the part of the Government of India to expedite the carrying out of the recommendations of the Joint Committee in 1919, regarding land revenue legislation in the Provinces?

Mr. J. W. Bhore: (a) and (b). The draft Bill referred to was received from the Government of Madras in June, 1925. It raised certain important questions of principle which are the subject of correspondence between the Government of India and the Government of Madras.

(c) The matter is primarily one for the Local Governments and is receiving their attention.

Mr. A. Rangaswami Iyengar: The Honourable Member has not answered part (b) of the question.

Mr. J. W. Bhore: I have indicated to the Honourable Member that we are still in correspondence with Madras and until a conclusion is reached in regard to the matters which are under correspondence, I cannot inform the Honourable Member when either sanction will be given or a decision taken in regard to it.

Mr. A. Rangaswami Iyengar: May I take it that the decision is likely to be announced during the life of the present Legislative Council in Madras or the Assembly here?

Mr. J. W. Bhore: It is impossible for me to say, Sir.

Mr. A. Rangaswami Iyengar: I am asking whether this Bill is likely to be ready for presentation to the existing Legislative Council in Madras?

Mr. J. W. Bhore: I have already replied to that. It is quite impossible for me to say.

TRANSFER TO THE GOVERNMENT OF INDIA OF THE OWNERSHIP OF
CERTAIN DISTRICT BOARD RAILWAYS IN THE MADRAS PRESIDENCY.

595. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state:

- (a) what steps have been taken in the Railway Department to settle the disputes pending between the District Boards in the Madras Presidency, the Companies and the Government in respect of—
 - (i) the construction and working of new lines;
 - (ii) the proposals for depriving them of the ownership or working of existing lines;
 - (iii) the construction of lines already sanctioned for execution as part of their existing system;

- (b) whether any conditions and terms have been settled as to the ownership, capital invested and working of the Mayavaram-Tranquebar line now being laid on behalf of the Tanjore District Board;
- (c) whether the Government of India have taken legal advice as to the rights of the District Boards and Local Governments and the Government of India as to these lines, existing and projected; and
- (d) whether any efforts have been made or any steps taken to assist local authorities in the Madras Presidency with advice and guidance as to the development of light railways and tramways from out of the cess funds at their disposal for the development of district communications and opening up of productive areas in pursuance of the duty which has specially developed on local authorities under the Devolution Rules?

Mr. G. G. Sim: (a) and (b) The general question of transfer to the Government of India of the ownership of certain District Board Railways in the Madras Presidency, including the Mayavaram Tranquebar line, is still under the consideration of Government

(c) No.

(d) The Government of India are always prepared to give advice on the subject of development of light railways and tramways whenever it is asked for by a Local Government. Attention in this connection is invited to paragraphs 14 and 15 of the Resolution No. 2131-F, dated 19th February, 1925, of the Government of India, in the Railway Department.

Mr. A. Rangaswami Iyengar: May I know why, when the whole of this question is actually under the consideration of the Government of India, the construction of the line is proceeded with, and whose money is being spent for the purpose of the Mayavaram Tranquebar line?

Mr. G. G. Sim: We have agreed to the construction being proceeded with because the local authorities in Madras were very anxious that it should be proceeded with. The line is at present being financed from funds supplied by the Government of India. The question of the utilisation of District Board funds in connection with that line will be settled when the general question is settled.

Mr. Rangaswami Iyengar: May I take it that the funds already placed at the disposal of the Railway Board by the Tanjore District Board in respect of the construction of this line have not been utilised, or have been kept apart?

Mr. G. G. Sim: They have supplied no funds. Their funds are still lying in their accumulated cess balances.

Mr. A. Rangaswami Iyengar: I want to know exactly what has happened, from what fund has the actual construction of the line been financed just at present, and whether any part of the funds which the District Board has already paid into the hands of the Railway Board for the construction of this line has been used by the Railway Board in respect of the construction of this line at all?

Mr. G. G. Sim: The District Board originally paid for certain expenditure in connection with this line some years ago. The construction of the line was then suspended and when I was asked in Madras the other day by the Chairman of the District Board about this line, I put to him the suggestion that when we came to a final solution regarding the general question the point might be considered of whether the District Board, if it came into line with the general solution, should take its money back with interest or should invest it in the manner I had suggested as a solution of the general question. As the local authorities were anxious that the construction of the line should be proceeded with, I agreed on behalf of the Government of India to the construction being proceeded with, the additional funds being found from the Government of India money.

Mr. A. Rangaswami Iyengar: May I take it that the fact that the Government of India found this money to construct this line will not be urged against the District Board when it claims its rights in that line?

Mr. G. G. Sim: I do not see that it at all prejudices the question. The line has got to be built and the question of whether the ultimate ownership should vest with the District Board or with the Government of India can be settled later.

Mr. A. Rangaswami Iyengar: I want to know whether the Government will not claim hereafter on account of the fact that they provided the funds for the construction of this line and whether this will prejudice the claims of the District Board?

Mr. G. G. Sim: There will be no prejudice whatsoever in this case.

RAILWAY DISASTER NEAR PATUKOTA ON THE TANJORE DISTRICT BOARD RAILWAY.

596 ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state:

- (i) whether they have received the joint inquiry report into the causes of the recent railway disaster near Patukota on the Tanjore District Board Railway and, if so, whether they will lay the same on the table; and
- (ii) whether it is a fact that the train was run at a high speed, on a second-class permanent way during abnormal rain without a searchlight, and that the line was below the standard of the South Indian Railway Company's adjacent branch line in that its ballasting was inferior and that it was provided with insufficient vents and culverts for the passage of rain water on both sides without accumulating or flooding so as to wash away the line, and, if so, whether any steps have been taken to enforce the responsibility of the Company in this matter in future?

The Honourable Sir Charles Innes: (i) Government have received the report referred to. The attention of the Honourable Member is invited to the communiqué issued by the Agent and published in the Press which gives the substance of the report.

(ii) The accident was due to an unprecedented volume of water coming from an unexpected direction and Government have no reason to consider the Railway Administration responsible for neglect in the maintenance of the permanent way or failure to provide sufficient bridging. The train was running at normal speed and was not fitted with a searchlight. The Railway Board are in correspondence with the Agent regarding the equipment of locomotives with electric headlights.

Mr. A. Rangaswami Iyengar: May I know whether it is a fact that this permanent way is a second class permanent way, is below the standard of the Railway on the main line?

The Honourable Sir Charles Innes: I must ask for notice.

STATUTORY RULES.

597. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to lay on the table a list of the statutory notifications since the coming into force of the Government of India Act, 1919, making, altering or cancelling the original Statutory Rules framed by the several competent authorities in 1919, showing (a) which of these rules were made in draft and laid before Parliament before bringing them into force, and (b) which were brought into force at once and laid on the table of the Houses of Parliament subsequently?

The Honourable Sir Alexander Muddiman: I presume that the Honourable Member's question relates to rules to the making of which the provisions of section 129A of the Government of India Act apply. Information is being collected and will be laid on the table of this House in due course, showing such rules made since the original Statutory Rules were framed in 1920, and which were laid in draft before both Houses of Parliament before they were made. The Government of India consider no useful purpose would be served by collecting information in regard to the similar rules which were laid before both Houses of Parliament after they were made.

Mr. A. Rangaswami Iyengar: Will the Government of India consider the advisability of compiling that statement and giving it to the House, because, though it may not be useful to the Government of India, it will be very useful to us on this side of the House?

The Honourable Sir Alexander Muddiman: My Honourable friend will gather that if a rule is not included in the statement I propose to lay on the table, therefore it was made after it was laid. So he is really getting the information.

Mr. A. Rangaswami Iyengar: I have not followed the Honourable Member.

The Honourable Sir Alexander Muddiman: I will lay on the table a statement of the rules which were placed before the House before they were made. Therefore the Honourable Member by a very simple process of reasoning will deduce that any rule not included in that statement was made after it was laid.

Mr. A. Rangaswami Iyengar: I want to have a complete list of the rules which were so enacted without being laid on the table.

The Honourable Sir Alexander Muddiman: I am not prepared to do that. It involves unnecessary labour.

Mr. A. Rangaswami Iyengar: May I know why the Government should be anxious to give the House only those rules in regard to which they have conformed to the normal requirements of the Statute, and why they will not give us a list of cases in which they proceeded abnormally under the Statute.

The Honourable Sir Alexander Muddiman: That is exactly what I am doing. I am giving the Honourable Member the information. The only thing I am not doing is I am not having a long statement prepared for all rules in which neither the Honourable Member nor I have any interest. The Honourable Member knows perfectly well that if it was not in the first statement, therefore it was laid after it was made.

Mr. A. Rangaswami Iyengar: I want to be perfectly clear on the matter. If my Honourable friend will give me a list of all Statutory Rules and then mark therein those which were enacted after being laid before Parliament, that will suffice for my purpose.

The Honourable Sir Alexander Muddiman: I have no doubt it will. That is exactly what the Honourable Member asks for.

STATEMENT OF GRANTS REJECTED BY THE ASSEMBLY AND RESTORED
BY THE GOVERNOR GENERAL FROM 1920-21 TO 1925-26, ETC.

598. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to lay on the table a list of grants in the Budgets of the Government of India from 1920-21 to 1925-26 rejected by the Assembly and restored by the Governor General and to obtain and lay on the table of the Assembly similar lists in respect of the Provincial Councils?

The Honourable Sir Basil Blackett: A statement of grants rejected by the Assembly and dealt with by the Governor General in Council under section 67-A (7) of the Government of India Act is laid on the table. The Government are not in possession of full information in respect of action taken by Provincial Governments

List of Demands for Grants relating to the expenditure of the Government of India for 1921-22 to 1925-26 rejected by the Assembly and restored by the Governor General in Council under section 67-A (7) of the Government of India Act.

Budget year.	No. of Demand and Service to which Demand relates.	Amount restored.
		Rs.
1921-22	Nil.	
1922-23		
1923-24	8—Railways—Working Expenses	1,14,00,000
	44—Miscellaneous—Public Services Commission	3,00,000
	1—Customs	71,84,000
1924-25	2—Taxes on Income	81,82,000
	3—Salt	1,06,55,000
	4—Opium	2,07,81,000
	8—Railways—Capital—Open Line Works	10,00,000
1925-26	16—Customs—Cotton Excise establishment	77,000
	28—Executive Council—Tour expenses of Members of Council	62,000

Mr. A. Rangaswami Iyengar: Will the Government obtain the information and lay it on the table?

The Honourable Sir Basil Blackett: Yes, I will consider that.

CASES SINCE 1920 IN WHICH THE GOVERNOR GENERAL HAS EXERCISED
THE POWER OF CERTIFICATION UNDER SECTION 67-B OF THE
GOVERNMENT OF INDIA ACT

599. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to lay on the table a list of cases since 1920 in which the Governor General has exercised the power of certification under section 67B of the Government of India Act, showing the cases in which the Governor General acted under the proviso to that section and brought the certificated measure into force at once and the cases in which he laid such a measure before Parliament and waited for the statutory period before bringing it into force?

Mr. L. Graham: A statement is laid on the table

Statement showing the cases since 1920 in which the Governor General has exercised the power of certification under section 67-B of the Government of India Act.

- | | |
|---|--|
| 1. The Indian States (Protection against Disaffection) Act, 1922. | Action not taken under the proviso to sub-section (2) of Section 67-B. |
| 2. The Indian Finance Act, 1923 | Action taken under that proviso. |
| 3. The Indian Finance Act, 1924 | Ditto |
| 4 The Bengal Criminal Law Amendment (Supplementary) Act, 1925. | Ditto. |

CASES IN WHICH ACTION HAS BEEN TAKEN UNDER SECTION 52 (3) OF
THE GOVERNMENT OF INDIA AND THE PROVISIO TO RULE 6 OF THE
DEVOLUTION RULES, ETC.

600. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to obtain and lay on the table of the House a statement showing the cases in which action has been taken in the several provinces in pursuance of the provisions of section 52(3) of the Government of India Act and the proviso to rule 6 of the Devolution Rules and of the provisions of proviso (b) of section 72D (2) of the Act?

The Honourable Sir Alexander Muddiman: I lay on the table a statement giving such of the information asked for as is in the possession of the Government of India.

Statement showing the cases in which a Governor has taken action under section 55 (3), etc., of the Government of India Act.

(a) The cases in which a Governor has taken action under the Transferred Subjects (Temporary Administration) Rules have been as follows :

- (i) by the Governor of Bombay on the 15th of December 1923 when the Ministers in that province resigned on the occasion of the second general election for the local Council;
- (ii) by the Governor of the Central Provinces in March 1924 on the resignation of the Ministers in that province;
- (iii) and (iv) by the Governor of Bengal in August 1924 and March 1925 on the resignation of the Ministers in that province.

(b) The only occasion on which the Governor General in Council has taken action under the proviso to rule 6 of the Devolution Rules has been in the case of Bengal where the transfer of all the transferred subjects was suspended with effect from the 13th of June 1925.

(c) The Government of India have no detailed information in regard to the cases in which the Governors of the various Provinces have exercised their powers under proviso (b) to sub-section (2) of section 72D of the Act, and they do not consider that any useful purpose would be served by obtaining it at present.

ACTION TAKEN ON THE RECOMMENDATIONS OF THE REFORMS INQUIRY COMMITTEE.

601. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to lay on the table of the House a statement showing the action that has already been taken on the recommendations of the majority of the Muddiman Committee and the action that remains to be taken on those recommendations?

The Honourable Sir Alexander Muddiman: Recommendation No. 6 I moved a Resolution in this House in September last and the discussion of the Resolution was postponed at the request of Honourable Members. The discussion of that Resolution will doubtless be resumed shortly.

Recommendations Nos. 12, 13, and 24 (c) have already been given effect to.

Recommendation No. 14 is pending in the form of a Bill which has been referred to a Select Committee of this House.

On other recommendations, Local Governments have been consulted and their replies have been received and are receiving due attention. In the case of certain recommendations, the Government of India have made their final proposals to the Secretary of State and his decision is awaited.

NEW OR REVISED RAILWAY PROJECTS APPROVED OF BY THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

602. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state whether any new railway projects or alterations of old railway projects have been sanctioned by the Railway Finance Committee since the last Railway Budget and, if so, when supplemental estimates for these projects will be brought up before the Assembly?

Mr. G. G. Sim: The Honourable Member is referred to Volume II, Nos. 1—6 of the Proceedings of the Standing Finance Committee for Railways, which give particulars of all projects approved of by the Committee in the current financial year. Particulars of these projects, and

of all other projects approved by the Committee in the programme for capital expenditure of each railway for next year, will appear in the budget estimates for Railways to be shortly presented to the Assembly. Where expenditure has been incurred during the current year on any new or revised project it has been met by reappropriation within the grant voted by the Assembly, and consequently the question of a supplementary demand does not arise.

REORGANISATION OF AUDIT AND ACCOUNTS ON RAILWAYS.

608. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state what progress has been made in the scheme of separation of audit and accounts in Railway Finance and whether any regulations and rules have been framed for the purpose; and, if so, whether the same will be laid on the table of the House?

Mr. G. G. Sim: The scheme for the reorganisation of Audit and Accounts on Railways on the lines indicated in the Resolution passed by this House in the last Simla Session has been introduced as an experimental measure on the East Indian Railway with effect from the 1st December, 1925. As regards the second part of the Honourable Member's question there is no immediate need to frame fresh rules and regulations of a comprehensive nature as the duties to be performed by the newly organised accounts staff under the scheme are largely identical with those hitherto undertaken on State-worked Railways by the audit and accounts staff under the Auditor General and by the Audit and Accounts Department of the late East Indian Railway Company.

NOMINATED NON-OFFICIALS IN THE CENTRAL AND PROVINCIAL LEGISLATURES, ETC.

604. ***Mr. A. Rangaswami Iyengar:** 1. Will the Government be pleased to state whether the Government of India make recommendations or suggestions to the Governor General for the filling up of seats reserved for nominated non-officials in the Indian Legislature? If so, what are the principles or the guiding policy upon which such recommendations are made?

2. Have the Government of India issued any set of instructions, suggestions or advice to the Local Governments or Governors of Provinces to guide or help them in the making of nominations to the non-official seats in the several Legislatures?

3. Have the Government of India at any time accepted the principle of permitting the nomination of a defeated candidate to the Councils or the extension of any such principle to nominations in Municipal and Local Boards?

4. Have the Government of India indicated at any time to Local Governments the general policy in regard to nominations to popular bodies where defeated candidates seek nomination thereto?

The Honourable Sir Alexander Muddiman: 1. The nomination of persons to be Members of either Chamber of the Indian Legislature is within the sole discretion of His Excellency the Governor General.

2. No, beyond a suggestion made unofficially in 1920 that in making nominations for the Chambers of the Indian Legislature it would be necessary to consider the correction or mitigation of inequalities disclosed by election returns in the representation of classes and communities.

3. The answer is in the negative

4. No general statement on the lines apparently conceived by the Honourable Member has been issued. There are, however, some remarks on nomination in the Resolution of the Government of India on Local Self-Government, dated the 16th May 1918, but they do not seem to be connected with the point which is presumably troubling the Honourable Member

Mr. K. Ahmed: Are the Government aware that they have taken a sinister step

Mr. President: Order, order The Honourable Member must not use the word "sinister".

Mr. K. Ahmed: Very well, may I use the word "bad". Are the Government aware that they have taken a bad step against the liberty and freedom of the Press by nominating a newspaper man, an Associated Press man, who, as a matter of fact, does not give publicity to anything against the Government and who, as a matter of fact, supports the Government in season and out of season? And is it not a fact that this practice is followed not only in the Central Legislature but all over the provinces as well?

The Honourable Sir Alexander Muddiman: I am not sure that I fully apprehend the Honourable Member's rather lengthy question, but if he is making an attack on the Press I can leave the Press to defend itself.

Mr. K. Ahmed: Is that not the reason why the Associated Press here and in the provinces do not accurately report what they ought to, for which purpose the liberty and freedom of the Press was given by the decision of the Judges of the High Court?

The Honourable Sir Alexander Muddiman: I can well understand why my Honourable friend's supplementary questions are not perhaps adequately reported.

MOPLAH COLONISATION IN THE ANDAMANS.

605. ***Mr. A. Rangaswami Iyengar:** Have the Government of India received the report of the non-official committee appointed to inquire into the question of Moplah colonisation in the Andamans? If so, will they place the same on the table of the House?

The Honourable Sir Alexander Muddiman: I understand that the reference is to the visit, for which Government granted facilities, of four gentlemen to the Andamans to examine the conditions and circumstances of the Mappilla villages there. Government have received the views of one of them, but not of the others. I cannot, of course, arrive at any conclusions until the complete reports are in my possession, unless they are very unduly delayed.

Mr. K. Ahmed: Are the Government aware that in the report of the Central Jail Committee of 1919 it is clearly stated that the Andamans is an insanitary and unhealthy place for human habitation and that convicts should not remain any longer on the Island?

Mr. President: Order, order. The Honourable Member has apparently not understood the question and answer.

TRANSFERS OF HINDU POSTAL CLERKS IN THE PUNJAB AND NORTH-WEST FRONTIER CIRCLE.

606. ***Mr. Ohaman Lall:** (a) Will the Government be pleased to state whether they are aware of the fact that the Postmaster General, Punjab and N.-W. F. Circle has issued orders stopping the transfers of Hindu clerks in the time-scale of pay from one Division or Head Office to another where the recruitment of Hindus is stopped, even though they want transfer at their own expense or they secure an exchange note with an official other than a Hindu?

(b) If this is a fact, do the Government propose to cancel these orders?

Mr. G. P. Roy: (a) Yes

(b) I have asked the Postmaster-General, Punjab and North-West Frontier to forward a copy of his orders, which I shall then carefully consider

COLLECTION OF COTTON EXCISE DUTIES IN BOMBAY AND THE PUNJAB AND UPPER INDIA.

607. ***Mr. W. S. J. Willson:** (a) Are Government aware that different practices prevailed in Bombay and the Punjab and Upper India in regard to the collection of cotton excise duties?

(b) Will Government please state how they propose to deal with the matter so that all mills may be put in the same position?

The Honourable Sir Basil Blackett: (a) and (b) Representations on the subject have been received and are now being considered by the Government of India. When a decision has been reached, I will communicate it to the Honourable Member

Mr. B. Das: Is it a fact, Sir, that the Ahmedabad mills pay a cotton excise duty of 4 per cent. instead of $3\frac{1}{2}$ per cent.?

The Honourable Sir Basil Blackett: No, Sir

VISIT OF HIS MAJESTY THE KING EMPEROR TO INDIA, ETC.

608. ***Haji Wajihuddin:** Will the Government be pleased to state:

- (a) whether it is true that the Government of India intend to invite His Majesty the King Emperor to pay a visit to India next year; and
- (b) whether His Majesty is expected to announce on arrival at the Imperial Capital (Delhi) further instalments of the Reform Scheme?

The Honourable Sir Alexander Muddiman: (a) No such question has arisen.

(b) Does not arise.

ENLARGEMENT OF THE DELHI PROVINCE.

609. ***Haji Wajihuddin:** Will the Government be pleased to state:

- (a) whether it is proposed to extend the Delhi Province by the inclusion of three adjacent Divisions, namely, Agra, Meerut and Umballa; and
- (b) whether Delhi will be made one of the largest military headquarters?

The Honourable Sir Alexander Muddiman: (a) and (b) No such proposals are under consideration

ABOLITION OR REDUCTION OF THE GARRISON OF MEERUT.

610. ***Haji Wajihuddin:** Will the Government be pleased to state whether the Cantonment of Meerut is to be abolished altogether or reduced to a great extent?

Mr. E. Burdon: Government have no intention of either abolishing or reducing the garrison of Meerut

PROHIBITION AGAINST GOVERNMENT SERVANTS BECOMING MEMBERS OF THE HINDU SABHA.

611. ***Pandit Nilakantha Das:** Will the Government please state whether they have issued prohibitory orders or circulars to their public servants against becoming members of the Hindu Sabha?

The Honourable Sir Alexander Muddiman: The answer is in the negative

ALLEGED UTILISATION OF THE SERVICES OF A GOVERNMENT CHAPRASI AS HIS MOTOR DRIVER BY MR. BOOTH, POSTMASTER GENERAL, PUNJAB.

612. ***Mr. Chaman Lall:** (a) Is it a fact that while Mr Booth was Deputy Director General one Bidhu Chaprasi of the Postmaster General's office worked as his motor driver and continued to draw his pay as Chaprasi of the Postmaster General's office? If so, for how long did this arrangement continue and what amount was drawn from the Government treasury as Bidhu's pay although he was in Mr. Booth's private employment?

(b) Is it a fact that this man Bidhu worked as Mr. Booth's motor driver throughout the period he was Postmaster General, Punjab, during his first appointment in that circle? If so, is it a fact that Bidhu was throughout shewn as Chaprasi, Postmaster General's office, and used to draw his pay as such? Will the Government please state the amount so drawn by Bidhu?

Mr. G. P. Roy: (a) and (b) The answer is in the negative

CASES REPORTED TO THE POLICE BY THE SUPERINTENDENT OF POST OFFICES, GUJRAT DIVISION.

618. ***Mr. Chaman Lall:** (a) Will the Government please state how many cases were reported to the police during the year 1924-25 by the Superintendent, P. O., Gujrat Division? How many of them were sent up for trial and what number were successful in the courts and what amount had the Government to incur?

(b) How many officials were suspended, dismissed and removed from service and how many were reinstated in due course and on appeal and what amount of pay was given to them?

Mr. G. P. Roy: The information is being collected and will be furnished to the Honourable Member in due course.

TRANSFERS OF PERMANENT SUPERINTENDENTS OF THE PUNJAB POSTAL CIRCLE.

614. ***Mr. Chaman Lal:** Will the Government please lay on the table of the House a statement shewing names of permanent Indian Superintendents of the Punjab Postal Circle transferred to other circles in the ordinary course of business during the last ten years excepting those who arrange their mutual exchange?

Mr. G. P. Roy: There have been two such transfers in the period stated; the names are Mr Ganpat Rai and Mr Ramzan Ali

ALLEGATIONS MADE BY MR. J. N. CHINOV AGAINST CERTAIN OFFICIALS OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

615 ***Mr. Chaman Lal:** (1) Are Government aware that one Mr J. N Chinov has been issuing open letters and that three such have already been issued to Sir J E. Jackson, Agent of the Bombay, Baroda and Central India Railway, making serious allegations against Mr T Robinson, General Traffic Manager, Mr. W H. Green, Deputy Traffic Manager, Claims Department, and other European and Indian Railway officers with regard to alleged bribery, corruption, illegal gratification, jobbery and nepotism in the Bombay, Baroda and Central India Railway?

(2) Do Government intend to institute any inquiry into the allegations of Mr Chinov?

(3) What steps have so far been taken by Government to put a stop to such corruption and undesirable practices in the said Railway?

(4) Do Government propose to take any action against the writer of those open letters?

The Honourable Sir Charles Innes: (1) Government have seen a copy of one such letter addressed to Sir J E Jackson

(2), (3) and (4) It is understood that the Agent is taking legal advice regarding the action to be taken against the writer of those letters

SHOOTING, COURSING, HAWKING OR HUNTING ON THE RIDGE IN RAISINA.

616. ***Baba Ujagar Singh Bedi:** (a) Is it a fact that shooting, coursing, hawking or hunting is prohibited on the Ridge in the suburbs of the New Cantonment Road, Raisina, which is hedged by wire fencing and is under the Public Works Department or some other similar department? If so, for what reasons?

(b) Can anybody shoot, hunt or hawk in the above-mentioned area with official permission? If so, from whom and how may such permission be secured?

Mr. J. W. Bhore: (a) and (b) The area referred to was constituted a reserved forest under section 19 of the Indian Forest Act, 1878, by Chief Commissioner's Notification No. 5591, dated August, 8th, 1914. The action was taken to facilitate the afforestation of the Southern Ridge. Hunting, shooting and setting traps or snares in the area was prohibited except with the written permission of the Forest Officer by rule made under Section 25 (1) of the Act notified in Chief Commissioner's Notification No. 2563-B. & A., dated 2nd April, 1917. The Superintendent of Horticultural Operations, Public Works Department, Delhi, has been invested with the powers of a Forest Officer for this purpose and applications for permits should be made to him. The above action was taken to prevent damage being done to young trees, the plantation of which is highly desirable and expensive.

ABOLITION OF THE APPOINTMENTS OF BRAKESMEN ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

617. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if it is a fact that many posts of brakesmen have been abolished on the Oudh and Rohilkhand section of the East Indian Railway and that the guards alone are working the passenger trains?

(b) If so, do Government propose to re-introduce the practice of engaging brakesmen for the safety and convenience of the travelling public?

(c) If not, why not?

Mr. G. G. Sim: (a) The reply is in the affirmative.

(b) and (c) No. The matter is within the competence of the Agent who found that brakesmen were not required on these sections

PAY OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

618. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if it is a fact that the maximum pay of "A" class station masters and assistant station masters on the Eastern Bengal, North-Western and East Indian Railways is Rs. 80 and Rs. 76, respectively, whereas on the Oudh and Rohilkhand section of the East Indian Railway the pay of the station masters and assistant station masters has been revised to Rs. 75 and 55, respectively?

(b) If so, do Government propose to raise the scale of the Oudh and Rohilkhand Railway staff also according to the sister Railways' scale?

(c) If not, why not?

Mr. G. G. Sim: (a), (b) and (c) I would refer the Honourable Member to the reply given to a similar unstarred question No. 90 asked by Maulvi Muhammad Yakub.

HYPOTHESES ADVANCED BY MEMBERS OF THE ARCHAEOLOGICAL DEPARTMENT REGARDING THE PRE-HISTORIC RACES OF INDIA.

619. ***Mr. M. K. Acharya:** Will the Government be pleased to state:

- (i) what the functions are of the Department of Archaeology;
- (ii) whether the Department has advanced the following hypotheses:
 - (a) that the whole of India in pre-historic times was inhabited by a dark race which later on came to be called Dravidian,
 - (b) that the Dravidians in Northern India were conquered and driven into South India by an alien white-skinned Aryan people, (c) that the bulk of the people in South India even now excepting the Brahmans are all Dravidian, (d) that the depressed classes particularly are Adi-Dravidas or earliest among the Dravidians;
- (iii) whether these hypotheses have received official recognition; and
- (iv) whether any Government Order has been issued that the depressed classes in Madras or any other province should be officially designated as Adi-Dravidas?

Mr. J. W. Bhore: (i) The functions of the Department of Archaeology are set forth in the Resolution on Indian Archaeological Policy issued by the Government of India on the 22nd October 1915, to which the attention of the Honourable Member is invited.

(ii) and (iii) Various hypotheses have been advanced by different members of the Archaeological Department regarding pre-historic races of India. But all hypotheses are necessarily tentative and each represents the views only of the officer publishing it.

(iv) The Government of India are not aware of any such order having been issued.

Mr. B. Das: May I inquire, Sir, if the hypothetical question that all Brahmans in Southern India are non-Dravidians is true?

Mr. J. W. Bhore: I did not quite follow the Honourable Member's question.

Mr. B. Das: May I inquire if the hypothetical question that all Brahmans in Southern India are non-Dravidians is true?

Mr. J. W. Bhore: My Honourable friend may draw his own conclusions.

Mr. M. K. Acharya: In respect to paragraph 4, will Government inquire whether such an order has not been issued in Madras?

Mr. J. W. Bhore: I have already answered that. I have said that the Government of India are not aware of any such order having been issued. If the Honourable Member will bring to my notice any such order I shall be very happy to look into it.

EXPENDITURE ON THE TRAVELLING EXPENSES OF THE HIGH COMMISSIONER FOR IRAQ AND ON A MISSION TO THE SULTAN OF NEB.

620. ***Mr. Jamnadas M. Mehta:** (i) Has the attention of Government been drawn to the telegram from London in the Indian press, dated 21st December, 1925, quoting the observations of the Public Accounts Committee there in respect of two payments of £2,301 and £47,888, to the Government of India?

(ii) Is it true that the first amount is half the travelling expenses of the High Commissioner for Iraq and the second, half the cost of a mission to the Sultan of Nejd?

(iii) Is it correct as reported in that telegram that the Government of India first bear the whole cost and then recover half of it from the British Government?

(iv) Will Government state why they have agreed to pay any part of the expenditure on these two items?

(v) Has India anything to do with the said journey and the said mission? If so, what?

(vi) Will Government state whether the idea of sending a mission to the Sultan of Nejd originated with them or with the British Government?

The Honourable Sir Basil Blackett: I would invite the Honourable Member's attention to the reply already given by me to a similar question by Mr. Venkatapatiraju.

Mr. K. Ahmed: Though I had a similar supplementary question then to which I received no reply from the Government, may I ask why, if the Indian people, Sir, are not allowed to select their delegate to the League of Nations, they should pay the cost of all these expenses against the wishes of the country and their representatives?

The Honourable Sir Basil Blackett: If Mr. K. Ahmed has got a lot of supplementary questions on a question which has nothing to do with the one actually answered, is there any need for the Member to reply?

RECEIPTS FROM DUTIES ON MATCHES, SPLINTS AND VENEERS.

621. ***Mr. K. Rama Aiyangar:** (a) Will the Government be pleased to state the comparative receipts from customs on matches and on constituents going into matches for 1923-24, 1924-25 and 1925-26?

(b) Will the Government be pleased to state if they have received any representations from the Swedish Match Company in India to compensate them for the loss of customs?

The Honourable Sir Basil Blackett: (a) The comparative receipts from customs on matches, splints and veneers are as follows: in 1923-24, 188 lakhs, of which 106 lakhs were collected in the first 8 months of that year; in the first eight months of 1925-26, 85 lakhs. Figures for duty receipts on constituents other than splints and veneers, as for example, on timber, chemicals and paper, are not available.

(b) If I understand the question aright, the answer is in the negative.

NUMBER OF COPIES OF THE SWARAJYA, MADRAS, SUBSCRIBED FOR BY THE GOVERNMENT OF INDIA.

622. ***Mr. C. Duraiswami Aiyangar:** (a) Is it a fact that the *Swarajya* of Madras has a large circulation?

(b) Are the Government of India subscribing for copies of the *Swarajya*? If so, for how many copies? If not, why not?

The Honourable Sir Alexander Muddiman: (a) The Government of India understand the circulation was about 5,000 copies in 1924, but they are unable to vouch for the accuracy, or otherwise, of this information

(b) The information is being collected and I shall cause it to be supplied to the Honourable Member in due course.

The Reverend Dr. E. M. Macphail: Is it a fact, Sir, that the paper in question indulges in writing which is meant to be offensive but is merely inaccurate?

The Honourable Sir Alexander Muddiman: Sir, that would be a matter of opinion.

Mr. Ohaman Lall: May I ask if the Honourable Member is in order in casting a reflection upon a very valuable Nationalist daily?

GRANT OF OVERTIME ALLOWANCES TO INDIAN SUBORDINATES OF THE
EAST INDIAN RAILWAY FOR WORK ON SUNDAYS AND GAZETTED
HOLIDAYS.

623. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if it is a fact that the Anglo-Indian and European subordinates on the East Indian Railway are granted an extra allowance for working on Sundays and gazetted holidays?

(b) If so, do Government propose to extend the same privilege to the Indian subordinates also?

Mr. G. G. Sim: (a) and (b). I would refer the Honourable Member to the reply given to a similar question No. 559 asked by Maulvi Muhammad Yakub.

DISCHARGE OF HARI PADA DEY, A WRITER OF THE P. W. I. IKRAH,
EAST INDIAN RAILWAY.

624. ***Khan Bahadur Sarfaraz Hussain Khan:** 1. Will Government be pleased to state:

- (a) if it is a fact that one Hari Pada Dey, writer of the P. W. I. Ikrah, East Indian Railway, was discharged after putting in 18 years' service under paragraph 2 of his agreement:
- (b) if it is a fact that the S. D. E. Ondal entered into the quarter of this man in his absence on the 17th August, 1925, where his family was stopping, and he reported the matter to the Chief Engineer for necessary action:
- (c) if it is a fact that for this very reason the man was discharged by the Divisional Superintendent, Asansol, on the recommendation of the S. D. E.:
- (d) if it is a fact that the Chief Engineer ordered the reinstatement of this man in his letter No. 26828-G. E.-36, dated the 13th October, 1925, but the Divisional Superintendent was not disposed to carry out the orders of the Chief Engineer as per S. W. W., Asansol, letter No. 14216-P. F., dated the 4th November, 1925: and
- (e) if it is a fact that his gratuity has also been forfeited?

2. If so, do Government propose to call for an explanation from the Divisional Superintendent for ignoring the orders of the Chief Engineer?

3. If not, will Government please state the reason?

THE PROFITS TAX IN TANGANYIKA.

684. ***Kumar Ganganand Sinha:** Are the Government aware whether any committee to investigate the question of trade licenses and the possibility of raising by alternative taxation the revenue at present accruing from the profits tax has been appointed in Tanganyika at the instance of the Governor of the territory with the approval of the Colonial Office? If so, has that committee made any report? If so, will the Government be pleased to place a copy of the report in the Library of the House?

Mr. J. W. Bhore: The reply to the first part of the question is in the affirmative. As regards the second and third parts, the attention of the Honourable Member is invited to the reply given by me to Khan Bahadur Sarfaraz Hussain Khan's question No. 146.

AGRICULTURAL INDEBTEDNESS.

685. ***Kumar Ganganand Sinha:** (a) Will the Government be pleased to state whether a record of agricultural indebtedness in the country is kept? If not, why not?

(b) Has the matter ever engaged the attention of the Government? If so, when and with what results?

Mr. J. W. Bhore: (a) No complete record of agricultural indebtedness has been undertaken owing mainly to the great difficulties in the way of collecting complete and trustworthy statistics on this subject. A good deal of information is available in the Records of Rights maintained in some provinces and other sources of information are indicated in paragraph 66 of the Indian Economic Inquiry Committee's Report.

(b) The question is engaging the constant attention of Local Governments who are primarily concerned in the matter. Some indication of the various lines of action considered or adopted by the Government of India from time to time will be found in a note by Sir Edward Maclagan, of which I hope to place a copy in the Library of the House in a few days.

Mr. B. Das: May I ask the Honourable Member to direct the different Provincial Governments to have inquiries made about agricultural indebtedness and write books similar to the one written by Mr. Darling of the Punjab Civil Service?

Mr. J. W. Bhore: It is not for the Government of India to direct Local Governments to take any action in this matter.

DECISION ARRIVED AT BY THE GOVERNMENT OF INDIA ON THE VARIOUS
POINTS URGED BY THE DEPUTATION OF THE ALL-INDIA POSTAL
AND RAILWAY MAIL SERVICE UNION.

686. ***Kumar Ganganand Sinha:** (a) Have the Government considered the various points urged by the deputation of the All-India Postal and Railway Mail Service Union?

(b) If so, will they be pleased to state the decision at which they have arrived? If no decision has been arrived at, when is the consideration of the matter likely to be finished?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is referred to the reply given by me on 28th January to question No. 162 asked by Khan Bahadur Sarfaraz Hussain Khan.

ELECTRIC RAILWAY CONNECTION BETWEEN CALCUTTA AND ITS SUBURBS.

637. ***Kumar Ganganand Sinha:** Is there any scheme of having Calcutta connected with its suburbs by electric railways under the consideration of the Government? If so, will the Government be pleased to give detailed information regarding the nature of the scheme?

Mr. G. G. Sim: The reply is in the affirmative. It is not possible to give detailed information on the subject at present.

UNEMPLOYMENT IN INDIA.

638. ***Kumar Ganganand Sinha:** Has any attempt ever been made by the Government to study the question of unemployment of Indians? If so, when and with what results? If not, why?

The Honourable Sir Bhupendra Nath Mitra: I refer the Honourable Member to the report of the debate, in which a resolution on the subject was recently discussed. As he will find from the record, the question has been the subject of investigation in Bengal and further inquiries are about to be made in Madras and the United Provinces. I need hardly remind the Honourable Member that the subject is one which primarily concerns the Provincial Governments.

RECRUITS FROM GREAT BRITAIN AND INDIA TO CERTAIN INDIAN SERVICES DURING THE YEARS 1920-25.

639. ***Kumar Ganganand Sinha:** Will the Government be pleased to state the number of recruits from Great Britain and India to (a) the Indian Civil Service, (b) Indian Medical Service, (c) Indian Forest Service, (d) Indian Educational Service and Indian Service of Engineers during the years 1920-25?

The Honourable Sir Alexander Muddiman: The information is being collected and will be supplied to the Honourable Member in due course.

INVESTIGATION OF THE OPIUM PROBLEM.

640. ***Kumar Ganganand Sinha:** With regard to my starred question no. 613 answered on the 3rd September, 1925, will the Government be pleased to state whether the views of the Local Governments regarding the investigation of the opium problem in the country have been received by the Government? If so, how far has the matter progressed?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to my reply to Dr. Datta's question No. 315, given on the 27th January last.

The answer to question No. 648 is the same.

TRAINING OF INDIANS AS WIRELESS OPERATORS.

641. ***Kumar Ganganand Sinha:** With reference to the reply given to starred question No. 753, part (c) answered on the 7th September, 1925, regarding the training of Indians as wireless operators, etc., will the Government be pleased to lay a copy of the scheme on the table and state how far the Government have considered it?

The Honourable Sir Bhupendra Nath Mitra: The details of the scheme are still under investigation.

EAST INDIAN RAILWAY COMPANY SCHOOLS.

642. ***Kumar Ganganand Sinha:** Have the Government made inquiries regarding the information wanted in unstarred question 109 answered on the 7th September, 1925? If so, with what results; if not, why?

Mr. G. G. Sim: The reply to the first part of the question is in the affirmative. With regard to the second part a copy of the letter addressed to Haji Wajiluddin, dated the 26th October, 1925, giving the requisite information, is being sent to the Honourable Member

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PROPAGANDA FOR THE DISCOURAGEMENT OF OPIUM SMOKING.

643. ***Kumar Ganganand Sinha:** With reference to the answers given to starred question 742 (b) will the Government be pleased to state whether or not they have received replies from the Local Government regarding the propaganda for the discouragement of opium smoking? If so, what are they?

AMENDMENT OF THE ELECTORAL RULES.

644. ***Kumar Ganganand Sinha:** (a) Have the Government considered and come to any decision on the Resolution of this House regarding the amendment of the rules for elections to the Indian and Provincial Legislatures passed on the 16th September, 1925?

(b) If so, will the Government be pleased to state its decisions regarding the same? If not, when is the consideration likely to be completed?

The Honourable Sir Alexander Muddiman: The Honourable Member is referred to the statement showing non-official resolutions adopted by the Assembly during the Simla Session, 1925, and action taken by Government thereon, laid on the table by my friend Mr. Graham on the 21st instant

FLOODS IN ORISSA.

645. ***Kumar Ganganand Sinha:** (a) Have the Government of India received any authoritative information regarding the last Orissa floods? If so, will they be pleased to lay it on the table?

(b) Have the Government of India inquired independently of the Provincial Government or not? If so, with what results; if not, why?

(c) Did the Government of India make any suggestions to the Provincial Government regarding the inquiry instituted by them? If so, what were the suggestions?

Mr. J. W. Bhore: (a) The Government of India have seen in the Press a statement recently made on behalf of the Government of Bihar and Orissa in the local Legislative Council. As it has already received wide publicity, they do not consider it necessary to lay it on the table.

(b) Yes; the Local Government's reply is awaited.

(c) The answer is in the negative.

†For answer to this question, see answer to question No. 640.

**CRIMINAL CASES INSTITUTED BY NAND RAM OF HAZARA AGAINST
MR. MUFTI MUHAMMAD YAKUB KHAN, BARRISTER, AND OTHERS.**

646. *Kumar Ganganand Sinha: (a) With reference to the answer given to my starred question No. 928 on the 15th September, 1925, will the Government be pleased to state whether they are now in a position to answer the question fully or not?

(b) If so, will they lay the information wanted on the table? If not, why are they not in a position to reply?

Sir Denys Bray: I would refer the Honourable Member to the statements I laid on the table on the 21st January, 1926

CONDUCTORS IN THE ROYAL INDIAN MARINE.

647. *Kumar Ganganand Sinha: Will the Government be pleased to state whether the vacancies of Conductors in the Royal Indian Marine are advertised or not? If so, how?

Mr. E. Burdon: No, Sir. Vacancies are filled by promoting Sub-Conductors.

CASE OF ARUN CHANDRA GUHA, A STATE PRISONER.

648. *Kumar Ganganand Sinha: Will the Government be pleased to lay a copy of the reply wanted in answer to starred question 939 of the 15th September, 1925, on the table?

The Honourable Sir Alexander Muddiman: I invite the Honourable Member's attention to the reply given by me on the 26th January to question No. 183 asked by Khan Bahadur Sarfaraz Hussain Khan.

ORGANIZATION OF THE INDIAN STORES DEPARTMENT.

649. *Kumar Ganganand Sinha: Will the Government be pleased to state how far the process of the organisation of the Indian Stores Department has progressed?

The Honourable Sir Bhupendra Nath Mitra: Full details of the development of the organisation of the Indian Stores Department to the end of 1924-25 will be found in the Administration Report of the Department for that year, which has been published and to which I refer the Honourable Member. During the year 1925-26 a purchasing agency has been established at Karachi and the staff of most of the previously existing organisations has been strengthened to enable them to cope with the expanding business of the Department. Proposals are now under consideration for a small further expansion of the Department, more particularly in the technical branch in view of the further increase of work anticipated in 1926-27. The Department is now represented both on the purchasing and inspection sides at the principal industrial and commercial centres in India as well as at headquarters.

**EQUALISATION OF THE TRAVELLING AND HALTING ALLOWANCES OF THE
MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE
ASSEMBLY.**

650. *Kumar Ganganand Sinha: With reference to the answer given to the starred question 200 (c) on the 27th August, 1925, will the Government be pleased to state whether they have considered the question of the equalisation of the travelling and halting allowances of the Members of the Council of State and the Legislative Assembly? If so, with what results; if not, why?

Mr. L. Graham: The attention of the Honourable Member is invited to the reply to starred question No. 161 asked at the meeting of the Legislative Assembly held on the 25th January, 1926, by Khan Bahadur Sarfaraz Hussam Khan

Diwan Bahadur T. Rangachariar: I understood on the last occasion from Mr. Graham that the matter would be considered when the new Council of State comes into existence. The new Council of State is now coming into existence. Is the matter being considered?

Mr. L. Graham: The matter was being considered but notice of a Resolution has been received

Diwan Bahadur T. Rangachariar: May I know what attitude the Government are going to take?

Mr. L. Graham: The attitude of the Government will be revealed during the debate

Mr. A. Rangaswami Iyengar: Am I to take it, Sir, that the Resolution, of which notice has been given, has held up the action of the Government?

Mr. L. Graham: Not at all, Sir. Government welcome the co-operation shown by moving the Resolution.

THE SUB-DEPUTY INSPECTOR OF SCHOOLS, AJMER-MERWARA.

651. *Maulvi Muhammad Yakub: (a) Is it a fact that the Sub-Deputy Inspector of Schools at Ajmer has passed only the Vernacular Middle Examination in Hindi and has got no other educational qualifications and that he does not know English?

(b) What is his present pay?

(c) Is it proposed to promote this unqualified man to a higher post in the Educational Department carrying a monthly pay of Rs. 600?

(d) Is there no other qualified man available in the Educational Department of Ajmer? If not, is it not possible for the Government to import a qualified man from outside?

Mr. J. W. Bhoré: (a) This officer does not know English, but he is a trained certificated teacher with an excellent record of service both as a teacher and as a Sub-Deputy Inspector of Schools.

(b) Rs. 150 a month in the scale of Rs. 100—10—150.

(c) No.

(d) The question does not therefore arise.

APPOINTMENT OF A MUHAMMADAN INSPECTOR OF SCHOOLS IN THE
EDUCATION DEPARTMENT, AJMER-MERWARA.

652. *Maulvi Muhammad Yakub: (a) Is there any Musulman inspecting officer in the Educational Department at Ajmer?

(b) Do the Government propose to appoint a Musulman inspecting officer in the Educational Department of Ajmer holding an independent charge?

Mr. J. W. Bhore: (a) No.

(b) The Local Administration is considering the question.

Lala Duni Chand: Is it really necessary that an inspecting officer should belong to any particular community?

Mr. J. W. Bhore: The Local Administration is considering the question and no doubt they will also consider the question which the Honourable Member has just now put.

EDUCATIONAL QUALIFICATIONS OF EMPLOYEES OF THE METEOROLOGICAL
DEPARTMENT.

653. *Maulvi Muhammad Yakub: (a) What are the educational qualifications of each of the persons employed in the Meteorological Department at Simla? What is the pay of each of them?

(b) Do the Government propose to improve the Department by importing into it some persons possessing high educational qualifications?

The Honourable Sir Bhupendra Nath Mitra: (a) The information asked for is given in the statement laid on the table.

(b) Government have always maintained the policy of appointing men with high educational qualifications to the Department.

Statement showing the educational qualifications and pay of the gazetted staff of the Meteorological Department at Simla.

Name.	Designation.	EDUCATIONAL QUALIFICATIONS.		PAY.	
		University.	Academic Degrees.	Rate of pay.	Present pay.
J. H. Field	Director General of Observatories.	Cambridge London	M. A. . B. Sc. .	Rs. 1,750—100—2,350 + O. P. £17-3-9	Rs. 1,550 + £17-3-9
C. W. B. Normand	Meteorologist	Edinburgh	M. A. (I Class Hons.) D. Sc.	1,250—50—1,500 + O. P. £30	1,350 + £30
V. V. Sohoni	Do.	Bombay	B. A. B. Sc. (I Class Hons.)	100—50—1,250	550
B. N. Banerjee	Do.	Allahabad Cambridge	M. Sc. . Ph. D.	Do.	600
S. N. Sen	Do.	Calcutta London	M. Sc. . M. Sc. Ph. D.	Do.	600
K. R. Ramanathan	Temporary Meteorologist.	Madras	M. A. . D. Sc.	550	550
M. G. Subrahmanyam	Assistant Meteorologist.	Madras Bombay	B. A. . LL. B.	250—25—400	650
V. D. Iyer	Do.	Madras	B. A. .	Do.	450
M. V. Unakar	Do.	Bombay	B. A. .	Do.	400

**TRAINING GIVEN TO RAILWAY EMPLOYEES IN THE RAILWAY SCHOOL,
CHANDAUSI.**

854. *Maulvi Muhammad Yakub: Will the Government be pleased to state:

- (a) what sort of training is given to the railway employees at the Railway School, Chandausi in the Moradabad District:
- (b) what is the period of the training:
- (c) what is the number of the subjects in which the training is given:
- (d) how much time is allotted for each subject, or branch of work, in which the training is given:
- (e) how many students may be trained at one time:
- (f) what is the number of the students under training at present:
- (g) what is the amount of the annual expenditure on the school:
- (h) whether this institution is meant for Indians only or for Anglo-Indians and Eurasians as well: and
- (i) whether it is proposed to reserve the Chandausi School for Indians only and to open another school on the same lines at Dehra Dun for Anglo-Indians and Eurasians?

The Honourable Sir Charles Innes: (a), (b), (c), (d) and (e). The training relates to the different phases of the work of the railway employees but primarily to actual train, station and yard operation and telegraph signalling. The period of the course of training varies for different classes of employees. The total number of employees who can be received at the school at one time is:

Officers	.	.	.	.	.	.	.	.	.	10
Upper subordinates	.	.	.	.	.	.	.	.	.	20
Lower subordinates	.	.	.	.	.	.	.	.	.	75

- (f) Government have not got this information.
- (g) About Rs. 87,000.
- (h) The institution is meant for Europeans, Anglo-Indians and Indians.
- (i) No.

REPORT OF THE NORTH-WEST FRONTIER INQUIRY COMMITTEE.

855. *Maulvi Muhammad Yakub: What is the reason for the delay in giving effect to the recommendations contained in the Report of the Frontier Inquiry Committee?

Sir Denys Bray: I would refer the Honourable Member to the replies I gave yesterday to Khan Bahadur Alimuzzaman Chowdhry's question No. 580.

COMMUNAL REPRESENTATION IN THE GOVERNMENT OF INDIA SECRETARIAT.

856. *Raja Raghunandan Prasad Singh: Will the Government be pleased to say whether they have yet decided about the policy of communal representation in the Government of India Secretariat offices? If so, what percentage has been fixed?

The Honourable Sir Alexander Muddiman: We hope to arrive at a decision in the matter very shortly now.

IMPROVEMENT OF CLERKS' QUARTERS AT RAISINA.

657. ***Raja Raghunandan Prasad Singh:** Will the Government be pleased to say whether they have come to any decision on the question of improvement in clerks' quarters at Raisina, which was under the consideration of the Government as stated by the Honourable Sir B. N. Mitra in reply to starred question No. 662 of the 3rd September, 1925?

The Honourable Sir Bhupendra Nath Mitra: I refer the Honourable Member to the reply given by me to a similar question No. 298 asked by Khan Bahadur Sarfaraz Hussain Khan on the 27th January, 1926.

UNSUITABILITY OF THE "D" CLASS CLERKS' QUARTERS AT RAISINA
FOR FAMILIES WHICH OBSERVE PURDAH.

658. ***Raja Raghunandan Prasad Singh:** (a) Are the Government aware that "D" quarters in Raisina are most unsuitable for those families who observe purdah?

(b) Is it a fact that the quarters have no male servants' room or guests' room?

(c) Are the Government aware that purdah ladies observe purdah from their guests, unless they be close relatives, as well as from their servants?

(d) Do Government propose to remove those grievances of their employees?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) and (d). The quarters consist of one sitting room, one bed room and two smaller bed rooms, one of which is intended for a servant, besides a kitchen and a bath room. The accommodation provided can be used in any manner the tenants desire, and Government do not consider that there is any legitimate grievance.

(c) Yes.

SEPARATION OF BURMA FROM INDIA.

659. ***Raja Raghunandan Prasad Singh:** Will the Government be pleased to say whether there is under the consideration of Government any scheme for the separation of Burma from India?

The Honourable Sir Alexander Muddiman: No.

EXEMPTION OF EX-MEMBERS OF THE INDIAN LEGISLATURE FROM THE
OPERATION OF THE INDIAN ARMS ACT.

660. ***Raja Raghunandan Prasad Singh:** Are the Government considering the question of the exemption of ex-Members of the Indian Legislative Assembly, Government servants and the public to inquire into the causes from the operation of the Indian Arms Act?

The Honourable Sir Alexander Muddiman: The reply is in the negative.

INDEBTEDNESS OF GOVERNMENT SERVANTS.

661. ***Raja Raghunandan Prasad Singh:** (a) Are the Government aware of the state of indebtedness of Government servants? If not, do they propose to appoint a committee consisting of the Members of the Legislative Assembly, Government servants and the public to inquire into the causes of such indebtedness and to take steps to remove such causes?

(b) Are the Government aware that such indebtedness of Government servants affects the efficiency of service?

The Honourable Sir Alexander Muddiman: (a) Government have no reason to believe that habitual indebtedness is widespread among Government servants and they are not prepared to undertake an inquiry on the subject.

(b) I invite the Honourable Member's attention to rule 16 of the Government Servants' Conduct Rules which deals with the question of insolvency and habitual indebtedness of persons in Government employ.

ADULTERATION OF SUGAR IN DELHI.

662. ***Lala Duni Chand:** (a) Are the Government aware that a certain factory in Delhi mixes country gur or shakkar with pure sugar and passes off the adulterated sugar as pure sugar?

(b) If what is stated above is true, what action do Government propose to take in the matter?

Mr. J. W. Bhore: (a) There are factories in Delhi City which make a mixture as described by the Honourable Member. Government are advised that its colour is such that it could not be passed off as pure sugar.

(b) Under these circumstances no action by Government seems called for, as it is quite clear to purchasers what they are buying.

SALE OF BELGIUM OIL AS *GHI* IN DELHI.

663. ***Lala Duni Chand:** (a) Is it a fact that imported Belgium oil is sold as Indian *ghi* in Delhi and other places?

(b) Do Government propose to take steps to prevent the import of this oil or prevent its being sold as Indian *ghi*?

Mr. J. W. Bhore: (a) The Chief Commissioner, Delhi, reports that there have been some complaints of this being done and consequently the public in Delhi have been duly warned by notices in English, Urdu and Hindi. Government have no information if similar complaints have been made in other places.

(b) In cases where this oil, which is usually sold under the name of "Vanaspati" (vegetable oil), is fraudulently represented to be *ghi*, section 150 of the Punjab Municipal Act appears to provide the necessary remedy.

Mr. B. Das: Are Government aware that this "Vanaspati" is a pure vegetable oil and is far better than the adulterated *ghi* which is being sold in Calcutta mixed with animal fats such as the fat of serpents from Nepal?

Mr. J. W. Bhore: I believe the Honourable Member is quite correct.

PENALTY LEVIED ON IMPOUNDED CATTLE AT RAISINA.

664. ***Lala Duni Chand:** (a) Is it true that recently the amount of the penalty levied by the police officers in charge of the cattle pound at Raisina for the seizure of cattle under the Cattle-trespass Act has been increased from Re. 1 to Rs. 4 in the case of cows, buffaloes, and horses and from annas 4 to Re. 1 in the case of goats and sheep and, if so, what are the reasons for this increase?

(b) Is it also true that besides the amount of penalty to be paid by the owner of the cattle seized, he also renders himself liable to be prosecuted?

(c) Are the Government aware that the above change has led to the abuse of law, namely, (1) that Public Works Department peons make unauthorized seizures of cattle, (2) that the policemen in charge of the cattle pound at Raisina do not enter all the cattle seized and allow the owners of the cattle not so entered to take them back after extorting blackmail from them?

(d) Do the Government in view of the above propose to take steps to restore the *status quo* as before or to direct the more immediately concerned authorities to stop the abuse referred to above?

The Honourable Sir Alexander Muddiman: (a) Under Chief Commissioner's Notification No. 7490-Home, dated 17th December, 1925, the scale of fines prescribed for certain classes of animals within the limits of the Imperial Delhi Municipality has been quadrupled. It is not however a fact that the fine for horses is Rs. 4 and that for goats and sheep is Re. 1. They are respectively Rs. 2 and annas eight. The action was taken because the old scale was insufficient to prevent owners of cattle from deliberately allowing their cattle to stray and commit damage in private and public gardens.

(b) It is not true that in the area of the Imperial Delhi Municipality the owner of straying cattle is liable to be prosecuted. Such a liability is only incurred within the limits of the Civil Lines Notified Area, Delhi, under Chief Commissioner's Notification No. 1524, dated the 24th of March, 1924, issued under the provisions of Section 26 of the Act.

(c) Government are not aware that these abuses, if and so far as they exist, are due to these changes in the law.

(d) In view of the complaints made of the havoc caused by straying cattle the Chief Commissioner is not prepared to cancel the Notification increasing the scale of fines but will take steps to draw the attention of the authorities immediately concerned to the allegation that the abuses mentioned occur with a view to steps being taken to prevent them as far as possible.

NUMBER OF CANDIDATES SELECTED FROM THOSE APPEARING FOR THE INDIAN CIVIL SERVICE EXAMINATION HELD IN INDIA.

665. ***Mr. S. Sadiq Hasan:** (a) Is it a fact that only five candidates are normally selected at the Indian Civil Service examination held in India every year?

(b) Is it a fact that 36 candidates were selected at the Indian Civil Service examination held in England last year?

(c) Are the Government prepared to raise the number of candidates to be selected at the Indian Civil Service examination held at Allahabad?

The Honourable Sir Alexander Muddiman: (a) No. The number varies. Thus, the actual number selected after competitive examination in India in 1922 was 13 and in 1923, 11.

(b) The answer is in the affirmative.

(c) Selection is at present based on the principle indicated in part (d) of my answer to Lala Duni Chand's question No. 256 given on 26th January, 1926, and there is no present intention to depart from it.

**REPRESENTATIVES OF THE NORTH WESTERN RAILWAY ON THE ADVISORY
COMMITTEE OF THE MACLAGAN ENGINEERING COLLEGE,
LAHORE.**

666. ***Mr. S. Sadiq Hasan:** 1. Will the Government please state whether the North Western Railway has any nominees on the Advisory Council of the MacLagan Engineering College, Lahore?

2. (a) Do the officers' class (A class) students get their 2 years' practical training in the North Western Railway workshops at Mughalpura?

(b) Will the Government please state whether these students are paid any sort of stipend during the two years' period of their apprenticeship? If not, why?

The Honourable Sir Bhupendra Nath Mitra: 1. The Government of India understand that there are three representatives of the North Western Railway on the Advisory Committee of the College

2. (a) It is believed that "A" class students are given two years' practical training which may be in the railway workshops or in any other approved engineering works at the discretion of the college authorities.

(b) Government have no information.

**RECRUITMENT OF QUALIFIED MECHANICAL AND ELECTRICAL ENGINEERS
FROM THE MACLAGAN ENGINEERING COLLEGE TO THE SUPERIOR
SERVICES OF THE TECHNICAL AND STORES DEPARTMENTS OF
STATE RAILWAYS.**

667. ***Mr. S. Sadiq Hasan:** Have the Government considered the desirability of recruiting qualified mechanical and electrical engineers from the MacLagan College into the superior services of the Technical and Stores Departments of the State Railways?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to a similar unstarred question No. 95 asked by Mr. Abdul Haye on the 2nd February, 1926.

**APPOINTMENT OF STUDENTS OF THE MACLAGAN ENGINEERING COLLEGE,
LAHORE, AS CHARGEMEN AND FOREMEN ON THE NORTH WESTERN
RAILWAY.**

668. ***Mr. S. Sadiq Hasan:** 1. (a) Will the Government be pleased to state whether the training given to the mechanics class of the MacLagan Engineering College, Lahore, is sufficient to qualify them for appointment in the North Western Railway workshops as chargemen and foremen to start with?

(b) If not, do the Government propose to make arrangements for special training required for such appointments and to stop the recruitment of covenanted men?

2. Will the Government be pleased to state whether they propose to allot or reserve certain vacancies for these men every year?

The Honourable Sir Charles Innes: 1. (a) No.

(b) The reply to the first part is that the matter has been taken up by the Agent, North Western Railway, with the College authorities. With regard to the second part steps are being taken, as far as possible, to recruit the class in India but it is impossible at present to rule out entirely the recruitment of covenanted staff.

2. The reply is in the negative.

PAY OF EUROPEAN AND ANGLO-INDIAN AND INDIAN APPRENTICES ON THE NORTH WESTERN RAILWAY.

669. ***Mr. S. Sadiq Hasan:** Will the Government be pleased to say if the Indian apprentices of the Mughalpura workshops are given a daily rate and European and Anglo-Indian apprentices a monthly rate of pay, and is it a fact that there is a great disparity between the two rates although they all receive the same training and work for equal hours? If so, are the Government prepared to remove this racial distinction by increasing the emoluments of the Indian apprentices?

The Honourable Sir Charles Innes: The arrangements at Moghalpura Workshops for training apprentices are the result of a mutual arrangement with the authorities of the MacLagan Engineering College

The Railway gives practical training to 200 apprentices, 100 Europeans and Anglo-Indians and 100 Indians who all receive their theoretical training at the College. Half of each class are nominated by the Railway and half by the College, the Europeans and Anglo-Indians being housed in a hostel provided by the Railway and the Indians in a hostel provided by the College. The rates of pay given to each class are based on the cost of board and lodging *plus* equal remuneration for work done in the Workshops and are as follows:

Europeans and Anglo-Indians Rs. 50—10—80- 20—120 per mensem.

Indians Rs. 1/8—2/— 2/ per day.

The arrangement having been agreed upon by the College authorities and the Railway, the Railway Board do not see any reason to interfere but are considering whether the whole arrangement for apprenticeship training is not susceptible of improvement.

INTRODUCTION OF REFORMS IN THE NORTH-WEST FRONTIER PROVINCE.

670. ***Mr. S. Sadiq Hasan:** (1) Are Government aware that a representative provincial deputation waited upon the Honourable the Chief Commissioner, North-West Frontier Province, and presented an address to him? If so, is it a fact that the deputation criticised the whole administration?

(2) Did the deputation ask in explicit terms for:

(i) the immediate introduction of reforms in the Province in no respect less than what is enjoyed by the rest of India;

(ii) the grant of elective rights in all local bodies;

(iii) communal representation in proportion to the strength of each community in the population; and

(iv) the repeal of the Frontier Crimes Regulations and all other repressive laws?

(8) (a) Is it a fact that a copy of the draft address was submitted to the Honourable the Chief Commissioner many days before the 25th November last (the date of the formal presentation of the address)?

(b) Did the Honourable the Chief Commissioner inform the Government of India of the demands contained in the said draft address before the presentation of the address on the 25th November?

(c) Did any consultation take place between the Government of India and the Honourable the Chief Commissioner about the contents of the address and the reply to be given to it?

(4) Will the Government be pleased to state what the difficulties are in the way of granting a measure of reform with protection for minorities?

(5) Is it a fact that not one of the municipalities in that Province has been given the right of election and if so, will the Government be pleased to state the objections to the grant of this elementary right with protection for minorities?

(6) Will the Government be pleased to lay on the table copies of the said address and the reply thereto, as given by the Chief Commissioner North-West Frontier Province, for the information of the Members

Sir Denys Bray: (1) and (2) The facts are substantially correct.

(3) (a) Government have no information

(b) and (c). No, Sir, Government were neither informed nor consulted

(4) I would refer the Honourable Member to the replies I gave on February 2nd in connection with the Khan Bahadur Alimuzzaman Chowdhry's question No 580.

(5) Yes, Sir Chiefly communal tension

(6) I would gladly let the Honourable Member have a copy. It would however seem hardly justifiable to go to the expense of printing the papers

Mr. Chaman Lall: Is it not a fact that the very Reforms Scheme which the Honourable Member would like to introduce into the North-West Frontier Province has been condemned by this Assembly as unsatisfactory?

Sir Denys Bray: No, Sir

Mr. Chaman Lall: Is the Honourable Member aware that the Reforms Scheme has been condemned by this Assembly as unsatisfactory?

Sir Denys Bray: No, Sir.

Mr. Chaman Lall: Is the Honourable Member aware that the fact that the Reforms Resolution was passed by this Assembly on two separate occasions asking for a revision

Sir Denys Bray: I beg the Honourable Member's pardon. I thought his question was completely different.

Mr. Chaman Lall: What I am driving at is this. Is it not a fact that the very Reforms Scheme which the Honourable Member is trying to introduce in the North-West Frontier Province has been condemned by this Assembly as unsatisfactory?

Sir Denys Bray: That, Sir, is too dialectical a question for me to attempt to answer.

ALLEGED BOYCOTT OF MUSLIM PAPERS BY THE IMPERIAL BANK OF INDIA IN THE MATTER OF ADVERTISEMENTS.

671. ***Mr. S. Sadiq Hasan:** (1) Is it a fact that the Imperial Bank authorities have, except casually, refrained from sending advertisements to Muslim papers while they give huge advertising contracts to non-Muslim papers?

(2) Will the Government state reasons for the ignoring of Muslim papers by the Imperial Bank when the Bank has a large number of Muslim clients?

(3) Do Government propose to issue instructions against this apparent boycott of Muslim papers by the Imperial Bank?

The Honourable Sir Basil Blackett: The Government have no information on the subject.

UNSTARRED QUESTIONS AND ANSWERS.

RECRUITMENT OF DIVISIONAL ACCOUNTANTS IN THE LATE MILITARY WORKS SERVICES.

96. **Mr. Chaman Lal:** (a) Is it a fact that the recruitment of divisional accountants in the late Military Works Services was made by selection from:

- (1) clerks in the Divisional Office,
- (2) clerks in the Audit Office, and
- (3) graduates of Indian Universities, or other persons possessing superior and special qualifications considered suitable for direct appointment,

and that it is analogous to the recruitment of the accountants of the Military Accounts Department?

(b) Is it also a fact that divisional accountants were members of the "Subordinate Accounts Service" in the late Military Works Services?

The Honourable Sir Basil Blackett: (a) The answer is in the affirmative.

(b) The answer is in the negative.

EXAMINATIONS FOR DIVISIONAL ACCOUNTANTS.

97. **Mr. Chaman Lal:** Is it a fact that persons belonging to the class of divisional accountants before their admission to the grade of divisional accountants were required to pass two examinations, one of the Thomason Civil Engineering College, Roorkee, and the other in Regulations scoring, in each, the minima of 66 per cent of the aggregate marks to pass, and that the accountants of the Military Accounts Department had to pass a single examination scoring only 50 per cent. of the aggregate marks?

The Honourable Sir Basil Blackett: The answer is in the affirmative.

STATUS OF DIVISIONAL ACCOUNTANTS.

98. **Mr. Chaman Lall:** Is it a fact that divisional accountants are considered superior and senior to the clerical establishment of the Military Works Services and therefore paid higher rates of pay?

The Honourable Sir Basil Blackett: The answer is in the affirmative.

STATUS OF DIVISIONAL ACCOUNTANTS.

99. **Mr. Chaman Lall:** Is it a fact that divisional accountants were considered the senior members of the office establishment of the Division?

The Honourable Sir Basil Blackett: The answer is in the affirmative.

POSITION OF DIVISIONAL ACCOUNTANTS IN THE MILITARY ACCOUNTS DEPARTMENT.

100 **Mr. Chaman Lall:** Is it a fact that on the amalgamation of the Military Works Accounts with the Military Accounts, the divisional accountants have been brought down and absorbed in the roster of clerks of the Military Accounts Department and deprived of their designation as "Divisional Accountants" without any reduction in pay? If so, will the Government please state reasons for this anomaly?

The Honourable Sir Basil Blackett: Divisional accountants have been given the position and standing of 4th grade clerks which was the highest grade in the old clerical service of the Military Accounts Department. They are allowed to draw their old rates of pay and allowances as divisional accountants and they are still designated as such in the Establishment Lists of the Military Accounts Department.

UNSUITABILITY OF ACCOUNTANTS OF THE MILITARY ACCOUNTS DEPARTMENT FOR THE WORK OF DIVISIONAL ACCOUNTANTS IN CERTAIN MILITARY WORKS SUB-DISTRICTS.

101. **Mr. Chaman Lall:** Is it a fact that the accountants of the Military Accounts Department were posted to discharge the duties of divisional accountants in certain Military Works Sub-Districts and that they were not considered suitable for the work by the Military Engineering Services authorities?

The Honourable Sir Basil Blackett: The Government have no information on this point.

PAY OF DIVISIONAL ACCOUNTANTS SERVING IN SOUTH INDIA IN 1919.

102. **Mr. Chaman Lall:** Is it a fact that in 1919 the scale of pay of a divisional accountant serving in South India was from Rs. 80 (with a duty allowance of Rs. 20) to Rs. 150 by an annual increment of Rs. 7 and that of a third grade accountant of the Military Accounts Department in the same area was Rs. 90—6—120? If so, will the Government please state when these scales were so fixed?

The Honourable Sir Basil Blackett: The scales of pay of divisional accountants and the accountants of the Military Accounts Department were as follows and were fixed in 1864 and 1880, respectively.

PAY OF DIVISIONAL ACCOUNTANTS.

103. Mr. Chaman Lall: Is it a fact that the scale of pay of divisional accountants was higher than that of a third grade accountant of the Military Accounts Department, serving in Southern India, and superior to that of a 4th grade clerk of the Military Accounts Department?

The Honourable Sir Basil Blackett: A third grade accountant of the Military Accounts Department belonged to the Subordinate Accounts Service whereas a divisional accountant of the Military Works Services who was not a member of that service held a position analogous to that of a 4th grade clerk in the Military Accounts Department. Each Department had its own rates of pay and conditions of service.

PAY OF DIVISIONAL ACCOUNTANTS IN THE PUBLIC WORKS DEPARTMENT.

104. Mr. Chaman Lall: Is it a fact that the scale of pay of divisional accountants in the Public Works Department was the same as that of divisional accountants in the late Military Works Services before amalgamation with the Military Accounts Department?

The Honourable Sir Basil Blackett: The answer is in the affirmative.

REVISION OF THE PAY OF DIVISIONAL ACCOUNTANTS IN THE PUBLIC WORKS DEPARTMENT.

105. Mr. Chaman Lall: Will the Government please state whether the scale of the pay of divisional accountants in the Public Works Department has been recently revised?

The Honourable Sir Basil Blackett: The answer is in the affirmative.

PAY OF DIVISIONAL ACCOUNTANTS OF THE LATE MILITARY WORKS SERVICES.

106. Mr. Chaman Lall: Will Government please state if the divisional accountants of the late Military Works Services who have not elected the Military Accounts rates of pay will be paid the revised rates of pay sanctioned for the divisional accountants in the Public Works Department? If not, why not?

The Honourable Sir Basil Blackett: The question has not so far been considered.

POSITION OF DIVISIONAL ACCOUNTANTS IN THE MILITARY ACCOUNTS DEPARTMENT.

107. Mr. Chaman Lall: Is it a fact that certain Divisional Accountants have been placed in the seniority lists below those clerks who are junior to them prior to 1st April, 1922, and who are still in receipt of lower scale of pay? And if so, is Government prepared to restore their seniority?

The Honourable Sir Basil Blackett: Divisional accountants have, as stated in the reply to question No. 417, been allowed a position in the highest grade in the old clerical service of the Military Accounts Department and no clerks who were junior to them prior to 1st April, 1922, have been allowed to supersede them.

RESTORATION OF THEIR FORMER DESIGNATION TO DIVISIONAL ACCOUNTANTS.

108. **Mr. Chaman Lall:** (a) Have Government received any memorial from the divisional accountants praying for the restoration of their old designation, and if so, what orders have been passed thereon?

(b) Will the restoration of their original designation mean any extra expense to the Government?

The Honourable Sir Basil Blackett: (a) Yes. The former designation of "Divisional Accountant" has been continued.

(b) The question does not arise.

PAY OF DIVISIONAL ACCOUNTANTS.

109. **Mr. Chaman Lall:** Is it a fact that the divisional accountants of the late Military Works Services have been given the option to be brought on the same scale of pay as the clerks of the Military Accounts Department who have passed the Subordinate Accounts Service Examination in the revised scale of pay recently sanctioned for the Military Accounts Department?

The Honourable Sir Basil Blackett: The answer is in the affirmative.

PAY OF DIVISIONAL ACCOUNTANTS.

110. **Mr. Chaman Lall:** Is it a fact that divisional accountants of the late Military Works Services with substantive appointments on the old grade of Rs. 80—10—270 have been given the option to elect the revised scale of the Military Accounts Department—(passed S. A. S) clerks, i.e., Rs. 115—10—225?

The Honourable Sir Basil Blackett: The answer is in the affirmative.

PAY OF DIVISIONAL ACCOUNTANTS.

111. **Mr. Chaman Lall:** Is it a fact that there is no divisional accountant (with substantive appointment) who is already drawing less than Rs. 120 per mensem in the Military Accounts Department, on the old grade, and if so, will Government please state reasons why a scale lower than the existing one has been offered to this class of establishment?

The Honourable Sir Basil Blackett: The reply to the first part is in the affirmative. The option was given in order to allow the benefit of local allowances.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir Charles Innes (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill further to amend the Indian Tariff Act, 1894.

The House will see that in the Statement of Objects and Reasons I have given very fully the explanation of each and every item in this Bill. In these circumstances I do not think that I need take up the time of the House by explaining the Bill in detail. It is partly intended to remove obscurities in our Tariff Schedule, partly to remove certain administrative difficulties and partly to confer certain small benefits upon Indian trade and industry. I would draw the special attention of the House to a clause relating to handlooms and parts thereof. We are proposing to reduce the duty upon these handlooms and their parts. The Government have been unfortunate enough to find themselves in opposition to our many friends on the opposite side and I hope that they will accept this clause as an olive branch.

Mr. A. Rangaswami Iyengar: Bring up spinning!

The Honourable Sir Charles Innes: I only say now as regards our further action on this Bill, that I propose to consult some of my friends opposite as to the procedure to be adopted. Sir, I move.

The motion was adopted.

The Honourable Sir Charles Innes: Sir, I introduce the Bill

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, for certain purposes.

As Honourable Members will observe the Statement of Objects and Reasons is considerably longer than the Bill itself. The reasons for this Bill have been very carefully set out in the Statement of Objects and Reasons. They are technical and I do not think that I can really assist the House by attempting to repeat them in other words. All the important proposals in this Bill have been incorporated in it as the result of very careful discussion and consultation with the Chambers of Commerce and the Local Governments. I think I had better leave Honourable Members to study the Statement of Objects and Reasons and not try to add anything in my speech now.

Sir, I beg to move.

The motion was adopted.

The Honourable Sir Basil Blackett: Sir, I introduce the Bill.

THE GOVERNMENT TRADING TAXATION BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I beg to move that the Bill to determine the liability of certain Governments to taxation in British India in respect of trading operations, as amended, be passed.

The motion was adopted.

RESOLUTION *RE* ENHANCEMENT OF THE SALARIES OF THE TWO MEMBERS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL POSSESSING INDIAN EXPERIENCE.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to move the following Resolution:

"That this Assembly recommends to the Governor General in Council to take steps to secure:

- (1) in the case of future appointments the enhancement of the salaries paid to the two members of His Majesty's Privy Council with Indian experience who sit on the Judicial Committee under the provisions of the Judicial Committee Act of 1833 to hear Indian appeals;
- (2) that they shall be persons possessed of recent knowledge of Indian law and practice;
- (3) that their salary shall be £4,000 per annum each, half of which shall be paid from Indian revenues; and
- (4) that during any period when the salary is enjoyed, any pension payable to either of them from Indian revenues shall lapse."

Sir, it is a particular pleasure to me that the opportunity of moving this Resolution has occurred within the period of my term of office. Looking back over the old papers I see I have been concerned in this matter for something like twelve or fourteen years. The matter has been delayed, as much needed improvements so often are, partially by the war and partially by circumstances not arising where favourable hearing was likely to be obtained. Of course the difficulties of obtaining the necessary approval in all quarters, as also, as must appear to you from the terms of my Resolution, from Parliament itself must be obvious. To obtain those concurrent factors at any one time must be always a matter of great difficulty. Therefore it is with great satisfaction that I feel that a time has arrived when this scheme can usefully and opportunely be brought forward for the consideration of this House.

I will not weary the House with a long dissertation on the historical origin, the interesting history of the jurisdiction of the King in Council. To many Members it is probably far better known than it is to me. But to some of the Honourable Members it will be interesting to recall very briefly how that jurisdiction has grown in so far as it affects India and what it actually means. I think some of you certainly have attended meetings of the Judicial Committee and must have been impressed by the sight of the four gentlemen without robes or any paraphernalia sitting in a room in Whitehall deciding questions which come from every part of the Empire. In that room there may be mooted questions of Roman Dutch law, very complicated questions emanating from this country, possibly the rights of a Hindu deity, and questions that have arisen under the complicated Canadian constitution. Indeed you may in that small room obtain a very far survey of our widespread Empire. I think possibly when our Empire ends—as all human Empires must end—(*An Honourable Member*: "Hear, hear") at any rate I am glad to think that it is in the hands of a higher power even than this House to decide the fate of Empires—I think when the Divine Providence decrees that the end should take place we shall leave an eternal mark in the history of mankind, which is only equalled by that left by another great Empire, the Roman Empire. As the Praetor still speaks to the civilization of half the world, so when Lord Chancellors have passed for ever

the rules of English equity will speak to the other half, and the English law will still afford its guidance to civilised men if there is any civilisation still left in the world.

It is interesting to recall that the very earliest Charter which established courts in this country of ours established the right of appeal to the Privy Council. The first Charter of 1726 established a Mayor's court and gave a right of appeal to the Privy Council. Again this right of appeal was continued by the Charter of fifty-three. When the Supreme Court was constituted the appeal was still provided for. When the Sadar Diwani Adalat was constituted both in Calcutta and Bombay the right of appeal was continued: The year 1833 is an important date in the history of the Privy Council. It was the first time then that the permanent exercise of the judicial powers of the King in Council were provided for, and throughout the legislation that has given us our own Civil Procedure Code we have continued the provisions dealing with the regulation of appeals to the Privy Council right down in fact to our last Act in 1908. The appeal therefore of the Charter of 1726 is the direct ancestor of the existing law. I have very briefly referred to these facts to show the long time that has united litigation in India with that secluded room in Whitehall.

Now I again ask the indulgence of the House if I bring to its notice what is already known to many Members, the actual present constitution of the Judicial Committee. I think it is of importance, though it may take a few minutes. I am quoting from the Law List of 1925 where the facts are given exceedingly concisely and in a personal form which is not without its advantages. "The Judicial Committee of the Privy Council consists of the Lord Chancellor, Lord President, ex-Lords President, six Lords of Appeal in Ordinary" and then the names are given, "and such other members of the Privy Council as shall from time to time hold or have held 'High Judicial Office' within the meaning of the Appellate Jurisdiction Acts, 1876 and 1887." Among the last are included the Earl of Birkenhead, Viscount Haldane, Viscount Finlay, Lord Buckmaster, Lord Wrenbury, Lord Phillimore, Lord Trevethin, Lord Darling and Lord Salvesen. (Those names, I think, to lawyers, at any rate, must excite respect and admiration.) Lord Parmoor is a member by virtue of section 1 of the Act, and Sir John Edge and Syed Amir Ali are members by virtue of section 80 of the Judicial Committee Act, 1833.

By virtue of the Judicial Committee Amendment Act and another amendment Act, the following Judges of the Dominions beyond the seas are members:

12 Noon

Sir Charles Fitzpatrick (Canada),
 Sir James Rose-Innes (South Africa—Supreme Court),
 Sir Lawrence Jenkins (Bengal),
 Mr. Justice Duff (Canada—Supreme Court),
 Sir Adrian Knox (Australia—High Court),
 Sir Robert Stout (New Zealand), and
 Chief Justice Anglin (Canada—Supreme Court).

I have read the extract to draw your attention to the constitution of a Court which, I think the House will admit, contains a wealth of judicial talent and knowledge, unrivalled in the Empire and possibly in the world.

[Sir Alexander Muddiman.]

Now the most important part of the story from the point of view of India is the representation of India on that Judicial Committee. You will have observed that there are three Judges of Indian experience on the Judicial Committee. Two of them sit under section 80 of the Judicial Committee's Act of 1833, and I think I must really take up the time of the House for a short moment by reading that section, because it makes the position of these judges so clear. Section 80 runs as follows :

"Two Members of His Majesty's Privy Council who shall have held the Office of Judges in the East Indies or any of His Majesty's Dominions beyond the Seas, and who, being appointed for that purpose by His Majesty, shall attend the Sittings of the Judicial Committee of the Privy Council, shall severally be entitled to receive, over and above any Annuity granted to them in respect of having held such Office as aforesaid, the Sum of Four hundred Pounds for every Year during which they shall so attend as aforesaid, as an Indemnity for the Expense which they may thereby incur ; and such Sum of Four hundred Pounds shall be chargeable upon and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

That is to say that the Indian representatives who are at present on the Judicial Committee, in so far as they are salaried representatives, are paid the sum of four hundred pounds a year, rather less than the salary of a Sub-Judge. It is true it is said to be paid as an indemnity. I agree it could not be regarded as anything but an indemnity. The third member who sits, Sir Lawrence Jenkins, so far as I am aware, receives no salary. The present salaried members of the Committee are Sir John Edge and Mr. Amir Ali. These eminent Judges have been discharging their functions on this, in my judgment, very inadequate indemnity for many years, and the thanks of the Government and all of us are due to men who, at a very advanced age, continue to discharge duties of a public nature when most of us would be glad to retire to peace and repose. I make that clear because it is essential that, in considering the future, we should not forget the services that have been rendered in the past. The Government of India, as I said, have had this question of new arrangements in the Privy Council under their consideration for many years. In that connection it gives me great satisfaction to think that this proposal that I am now bringing forward would certainly have had the support of my old master and my present friend, Sir George Lowndes. There was a time when the Indian Legislature was much concerned as to the possibility of establishing a Supreme Court for appeals for India. That was debated at length and there was a good deal of opinion in favour of it, but this House, as every one knows, pronounced a very decisive judgment on that question on the 17th February 1925, when, by a very large majority, they rejected the proposal, a majority of 56 to 15

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): With the support of the Government.

The Honourable Sir Alexander Muddiman: Certainly with the support of the Government, but not against the sense of the House. That, therefore, may be regarded as no longer a live issue. I think, before I go further, I ought to give the House some information as to the amount of Indian work which is done in the Privy Council for India as compared with the other work. I am quoting now from information which has been extracted from that given to the Imperial Conference by the Lord Chancellor and Sir Robert Borden in 1918.

The days for hearing in the Committee in 1916, were given as follows :

Indian appeals	...	...	107 days.
Other appeals, excluding Prize Courts	...	63	"
House of Lords appeals	...	112	"

That is to say Indian appeals occupied 36 per cent. of the days for hearing in both Courts and 63 per cent. in the Judicial Committee. The number of appeals before the Judicial Committee from 1911 to 1917, excluding the Prize Court appeals, were, Indian appeals, 514; other appeals, 365. That is to say 59 per cent. or more than half the appeals before the Judicial Committee were Indian appeals. Now those are very striking figures indeed, and I hope the House will weigh them carefully. I ought perhaps to explain that I am bringing this Resolution before the House with the object of obtaining the opinion of the House upon it, and I am bringing it at this particular moment because we have reason to believe that if it is approved in this House and in another place, it may be possible that Parliamentary legislation might be introduced comparatively rapidly to give effect to this Resolution. Of course, as I stated or rather indicated in the commencement of my speech, you have in a matter of this kind to strike when the iron is hot, when you have got people who are in a position to put forward your legislation in a place where it is necessary at the time to do so, and to have your own Legislature in agreement with you. It seems to me that the House here really has an opportunity which, if taken, might result in very great benefit to the disposal of the judicial business of India. The first part of my Resolution refers to the enhancement of the salaries. You may dislike or you may not dislike, you may approve or you may not approve, you may want a Supreme Court or you may not want a Supreme Court, but I think you will all agree that to give £400 a year and to expect Judges of recent experience and of the highest eminence to sit is outside practical politics. Therefore, I do not think I need say anything on part (1).

Part (2) suggests that the Judges appointed should be persons with recent knowledge of Indian law and practice. Now, I should think that most of us would feel that that was a very important factor in making appointments. For one thing men fresh from the courts are in a better position to appreciate any changes that may have been made in the law in recent times. They are in touch with the rules of practice, and, speaking generally, would be the best fitted to discharge the very difficult duties that fall to the Supreme Court of Appeal.

Our ideas—I do not wish to develop them more than that—our ideas were not only should persons who have held judicial office in India be available as a recruiting ground but also that men of a high standing at the Indian Bar would not be excluded. Indeed if we did not take that view we might otherwise be deprived of the chance of considering men of very great eminence. On the other hand, that has an important bearing on the salary because members of the Indian Bar in distinguished practice, in leading practice—so I am told and from observation I have reason to believe that to be true—are in receipt of princely salaries the figures of which to me have really very little meaning so large are they.

Now, there is an amendment on the paper which I hope very much will not be moved that in this Resolution which I presume the Honourable Member in whose name the amendment stands otherwise approves—that in

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this Resolution a racial discrimination should be introduced. Now, Sir, I beg of the House not to do that for this reason. These are appointments of the very highest judicial importance. They are important appointments which will be made by the Crown. I can naturally sympathise with the view that this House would desire an Indian to occupy a position of that kind; but I am perfectly sure that this House would not desire an Indian who was not fit for that position to occupy that position. To take such a view would be I think really to lower this country in the estimation of the world, which I am sure is the last thing you want to do. We should be sending those men to sit not only with the best brains of England, with great lawyers whose names are already famous, but with the greatest lawyers from the Colonies, and India, I think you will agree, should send to sit with them of its best, where you can get them and when you can get them, but of its best. (*An Honourable Member*: "What about the Executive of the Government of India?")

I was going to mention one other point but perhaps it is hardly worth mentioning. If I thought that my appeal would not be listened to I should have developed it but it is a matter of material importance that such considerations should not be quite outside the minds of the House. It is this. The Indianisation of the judicial services is proceeding fast and the Indian Bar has become entirely—I think I may say almost entirely—Indian. When I came to this country there were—there are still no doubt a few—there were a large number of Englishmen who practised at the Bar in India and attained high fame and one was led to believe the respect of those who now maintain the high traditions of the men whose pupils they were.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Indians are advancing now.

The Honourable Sir Alexander Muddiman: Then, Sir, the next proposal is that their salary should be £4,000 a year, half of which should be paid from Indian revenues. Now, at present India is getting the services of the Privy Council entirely as regards judicial salaries at the expense of the English Government. The great advantage and I believe one of the most important advantages of the Privy Council why people like an appeal there is that they do get some of the greatest Judges of England to sit. They usually sit at least two though sometimes there has been only one, and I think most of us feel we would like there should always be two men of English reputation sitting with our two representatives on the Court.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): May I know what the position is with regard to the Colonial Judges?

Sir Hari Singh Gour (Central Provinces, Hindi Divisions: Non-Muhammadan): South Africa, Canada and Australia have got courts of their own.

The Honourable Sir Alexander Muddiman: The Colonial Judges are in the same position as Sir Lawrence Jenkins. They are appointed under the Amending Act and they receive no pay as neither does Sir Lawrence Jenkins who also of course comes under that Act.

Mr. A. Rangaswami Iyengar: I mean I want to know whether the Colonial Governments pay anything.

The Honourable Sir Alexander Muddiman: I have told the Honourable Member that they do not pay anything. Of course they do not sit with anything like the frequency that the Indian Judges do, because fifty per cent., more than half, of the appeals come from India alone. In many cases I do not suppose there is a single appeal from any of these Courts.

Mr. M. A. Jinnah: Then why not have a Supreme Court here?

The Honourable Sir Alexander Muddiman: I will meet my Hopourable friend's point later when I have an opportunity of replying. I should like to take his point now but perhaps he will permit me to proceed in the order in which I was doing. I was on the point of salary. It is a matter for this House to consider whether it is prepared to provide the money for this salary. If it is not then the question is at an end. On the other hand, if you do provide it, I do not think it can be said it is too high, for this reason. We contemplate the possibility, I certainly contemplate the possibility, of men going to England for a comparatively short time. There would be either an age limit or a time limit of some kind. They would go to England for a comparatively short time and then return to India to spend the evening of their days here, and I think you would find it very difficult to get men who would first of all *ex hypothesi* give up either a leading practice or a high judicial office to establish themselves in a country with which they may or may not be familiar and incur those expenses which are, as we all know, unfortunately incidental to a stranger in any country, unless you pay them a reasonable salary. There may be doubts as to the amount of the salary, but I put it to the House that on the understanding that you are going to get a first class man, you will not get him much under that. It should also be noticed that at the end of the operative part of the fourth clause of my Resolution is the usual sting that so often lurks in Government statements as to pay. That is to say, the unfortunate person who enjoys a pension is to forfeit that pension during the period he is re-employed. That, Sir, of course makes it somewhat more favourable to my Honourable friends from the Bar and distinctly less favourable to Judges who have retired.

Now really this to my mind is a golden opportunity. The House has a chance of getting what I do not think anybody really can believe is not an improvement on the existing position. I think on the whole the Home Government are giving us generous treatment. Under my Resolution half the salary would obviously have to be met from revenues other than those of India and the only revenues available would be the consolidated funds of the United Kingdom. I doubt if you could ever hope to get a court better constituted from our point of view than the court which would then exist in England. The House will no doubt pronounce its verdict as to that. I see there is an amendment on the paper by an Honourable gentleman who was connected with a previous Resolution regarding a Supreme Court for India, and I presume he would approve of the proposition if the Judges sat in India. Well, it is not probable that either the Lord Chancellor or any other of the eminent English Judges, who sit on the Privy Council or even those Judges who have ceased their connection with it would come out to India even for the pleasure of hearing my Honourable friend argue before them.

Mr. T. C. Goswami (Calcutta Suburbs: Non-Muhammadian Urban): Who ever wants them to come out here?

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): May I know from the Honourable Member whether this proposal emanates from the British Government?

The Honourable Sir Alexander Muddiman: I will answer the Honourable Member's question in a second. I would prefer him not to disturb the course of my argument. There is at least the possibility that if this Resolution is not accepted we shall never get so good a chance again. I believe myself that is certain. My Honourable friend asks where this proposal originated. It originated originally in the Government of India and as I said myself—perhaps the Honourable Member has forgotten, I have been speaking for so long—I stated myself that it was under consideration nearly 10 years ago. It was then powerfully supported by Sir George Lowndes. One of the things that His Excellency was able to effect during his visit to England was a discussion with the highest authorities regarding this very important question. That is the history, I may perfectly frankly state, of these proposals.

Now, before I sit down, I should like to refer to one other aspect of the case. It is this. I hope the House will accept this proposal in a generous way because—as a mere matter of expediency, it is still an important point for those who like myself are anxious to see this go through,—the debates in this House and elsewhere will be carefully scrutinised. We have to get Parliamentary Legislation enacted, and you know that Parliaments, like other people, are difficult, when they have to put their hands into their pockets. I think it would be a great pity to arouse undue opposition by adopting an attitude which would operate against what might be the real wishes.

Now, I have endeavoured to put the case as fairly and as clearly as I can to the House, and I hope and trust they will give it their earnest consideration. This is not a matter of politics; this is not a matter that can arouse, I should have thought, any of those passions that are so easily aroused. It has, in my judgment, a chance of effecting a real and enduring benefit to the litigant public in this country, and I do hope the House will warmly support this Resolution.

Sir Hari Singh Gour: Sir, as a protagonist of a similar Resolution for the establishment of a Supreme Court in this country, I feel it my duty to say a few words on the Honourable the Home Member's Resolution. He says he has read all the literature on the subject. I have no doubt . . .

The Honourable Sir Alexander Muddiman: I never said anything of the sort.

Sir Hari Singh Gour: I am glad, Sir, he has not done so, because if he had done so, this Resolution would not have been brought up before this House at all. In the first Assembly I was the humble author of a Resolution asking this House to take steps to establish an ultimate Court of Appeal in this country. I then traced the origin and history of His Majesty's Privy Council, and I gave my authority in support of my view. That statement was not contradicted by the then Law Member, Dr. Sir Tej Bahadur Sapru, and he promised to consult public opinion on the advisability of establishing an ultimate Court of Appeal in this country. Opinions were collected, and, as the Honourable the Home Member has pointed out to this House, there is a good deal of opinion in favour of the establishment of a Supreme Court in this country. The present Governor of Burma . . .

Mr. President: The Honourable Member must understand that we are not discussing the question of the establishment of a Supreme Court in India.

Sir Hari Singh Gour: These are the reasons why I am opposing this Resolution. I am giving the reasons.

Mr. President: The Chair notices that the Honourable Member has got an amendment for the establishment of a Supreme Court in India, and it appears to the Chair that the Honourable Member is arguing to make out a case for the establishment of a Supreme Court of Appeal in India which is not the question before the House. The Honourable Member will remember that last year he raised that question, and he is now trying to raise the very same question again within one year, and the Chair cannot permit it.

Sir Hari Singh Gour: I am moving my amendment, Sir, and that is, that whatever be the constitution of the Judicial Committee of the Privy Council, it should hold its Court in India, and I am trying to show that . . .

Mr. President: What is the Honourable Member's amendment?

Sir Hari Singh Gour: That at the end of the Resolution, the following be added :

" (5) That the judicial work of His Majesty's Privy Council is done in India."

Mr. President: It is substantially the same as the Resolution moved by the Honourable Member in this House last year.

Sir Hari Singh Gour: No, Sir. The last Resolution was for the establishment of a Supreme Court here, and this is for the doing of that work here. It is quite different.

Mr. President: The Honourable Member is very ingenious, but the Chair will not allow him to discuss substantially the same question once again.

Sir Hari Singh Gour: Very well, I will not raise that question, I will oppose the Resolution, and in the circumstances I need not do anything more for the present than to oppose the Resolution as it stands. In doing so I wish first to traverse the facts upon which the Honourable the Home Member has appealed to this House. I wish to point out to this House that the Judicial Committee of the Privy Council is not a Court; it is a purely advisory body which advises the King and the decrees are made out by the King and in his name, and any person who has studied the English constitution will bear me out when I say that this Court was established because there was not a regularly constituted Court, and as justice had to be done in the newly acquired Dominions of His Majesty, this Court *ad hoc* or this advisory body was called upon to advise His Majesty, and upon the advice given by the Judicial Committee of the Privy Council His Majesty acted. But in all the major Colonies such as Canada, South Africa, and Australia, they have established independent Supreme Courts of their own. The Supreme Courts now do work which was done before by the Privy Council whose jurisdiction is practically superseded, though in one or two colonies the litigant is given the option of either appealing to His Majesty's Privy Council or to the local Courts. Lord Bryce in his famous book on

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the democracies of the world,—a book which records his actual experience,—mentions that these Courts have completely done away in practice with the jurisdiction of the Privy Council, that they are giving great satisfaction and the administration of justice in these Colonies by the local Supreme Court is receiving popular confidence. Now, Sir, I wish to ask why a similar step is not taken in this country. In the opening speech of His Excellency the Viceroy published at page 9 of the official Reports, I find that it is stated that in order to perpetuate the benefits of this scheme, it is desired in future appointments to secure persons from India of eminent qualifications. The object is to perpetuate the present system of appeals in the Privy Council, being heard and determined in England, and, if this House supports the motion moved by the Honourable the Home Member, let the House remember that it stands committed to the perpetuation of a system for the maintenance of the Privy Council for all time in England. Is the House prepared to do that? That is a short question. I submit, Sir, that in the fulness of time—and I hope in the near future—it will be necessary to establish a Supreme Court in this country. Only yesterday the Honourable the Home Member referred to a brochure written by the late President of this Assembly, Sir Frederick Whyte. In one of the paragraphs he points out the necessity of having a Supreme Court in this country. What country having a federal constitution can do without a Supreme Court? The Supreme Court. I submit, is the interpreter and upholder of the written constitution of the land. Difficulties arise every day. Is this a transferred subject or is it a reserved subject? Is it an Imperial subject or is it a Provincial subject? Is it a Provincial reserved or a Provincial transferred subject? Conflicts between the Legislature and the Executive arise every day. We want, Sir, an independent tribunal to deal with these constitutional questions. I, therefore, submit that, if you are to perpetuate the system of the Privy Council, you will by your vote be depriving yourself for all time to come, of the possibility of the establishment of a court of your own.

Sir, I have not dealt with one very important question to which I referred and in which I am strongly supported by the provinces, that it is an anomaly that this is the only country in the British Empire where there is really no appeal against the final verdict of a sentence of death. Honourable Members are aware that persons tried for murder are usually tried by the Sessions Court and the Sessions Court

The Honourable Sir Alexander Muddiman: I do not want to interrupt the Honourable Member but I wish to point out that I am not asking the House to do anything with the jurisdiction of the Privy Council. I am only asking them to do something with the personnel of the Privy Council.

Sir Hari Singh Gour: I am simply pointing out that this House should throw out this Resolution on the ground that the Privy Council is not the Privy Council that you want. Let it continue if the Honourable Member desires it to continue, but we are not going to contribute to its funds and I am giving my reasons.

To resume. This is the only country, Sir, where, when a man is convicted for murder and sentenced to death, and the sentence is confirmed by the High Court, there is no right of appeal. The Honourable the Home Member is aware that within the last few years in England a Court has been established known as the Court of Criminal Appeals, and that Court is given power to revise all sentences passed by the regularly constituted

tribunals. I do not wish to give the reason for this strange anomaly in this country, but I only wish to point out that we are not satisfied with the present jurisdiction of the Privy Council. The Privy Council have time and again enunciated the principle that they are not a court of appeal or a court of criminal revision and have refused to exercise jurisdiction except in cases which fall within the very narrow principle which they enunciated in what is known as the Dillet's case. Further, Sir, I submit that, so far as the present Privy Council is concerned, their Lordships have again and again said that because they have to try cases in London, they are precluded from making local inspections in cases of right of way, of easements, of assessment of meane profits and other profits. Where local inspection is necessary they say they are unable to do so. In cases of Hindu law and Muhammadan law and indeed in cases of all personal laws, their Lordships have often confessed the difficulty of administering justice in conformity with those laws. I, therefore, submit that a court situated six thousand miles away does not satisfy the growing aspirations of the people of this country and if we were to approve of this Resolution, we shall be perpetuating a system which we know to be deficient and which we want to replace by a better and more efficient system. The Honourable the Home Member was right in saying "Let us strike while the iron is hot". I know the genesis of this Resolution. In fact, I had a shrewd suspicion of what must have been the genesis of this Resolution. The unfortunate fate which my Resolution suffered at the hands of this Assembly seems to have encouraged the Government into a belief that this House was enamoured of the present constitution and powers of the Privy Council. Let this House by its verdict to-day show that it never intended anything of the kind. If this House supports the Resolution of the Honourable the Home Member it will lend itself to the view, stated by His Excellency in his opening speech, that he has been greatly impressed with the very high regard and esteem in which the Judicial Committee of His Majesty's Privy Council are universally held in this country in connection with their Indian appellate work. Sir, I do not wish for a single moment to minimise the importance and the value of the work done by their Lordships of the Privy Council. I am not here decrying the Privy Council. But I am asking the House to take long views and not to commit itself to a proposition which will embarrass it in future as the fate of my Resolution may embarrass it at the present moment. They have committed one mistake—let them not commit another. Let Members of this House consider what will be the result of lending their support to the Resolution of the Honourable the Home Member and let them then vote accordingly. Sir, I oppose the Resolution.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I am not at one with my Honourable friend Sir Hari Singh Gour in this matter. I have to pay my tribute to that great and august tribunal which is the final court of appeal in deciding Indian issues. Sir, with the experience we have had, and I have had, in the profession, I cannot but pay that tribute. Although some times we have reason to be dissatisfied with the advice tendered to His Majesty by the Judicial Committee of the Privy Council, on the whole the Judicial Committee all these years have done signal service to this country in the matter of judicial work. Sir, I appreciate and welcome the proposal contained in the Honourable the Home Member's Resolution. The Honourable the Home Member's Resolution aims really at one thing, namely, how best to secure

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the Indian element in the Privy Council, whether we should not take steps to facilitate the getting of competent men of experience of the judicial system of this country to sit on the Judicial Committee of the Privy Council. As Honourable Members are aware, by the Act of 1908 provision was made that any person having been a Chief Justice or Judge of any High Court in British India or of the High Courts of Bengal, Madras, Bombay or the North-West Provinces (the United Provinces as it is now) is a member of the Privy Council, and he may be appointed a member of the Judicial Committee and not more than two persons shall be members of the Committee at one time by virtue of this section. It is under that provision that the two learned gentlemen, Sir John Edge and Mr. Amir Ali now sit on the Privy Council.

Mr. H. Tonkinson (Home Department: Nominated Official): I think my Honourable friend is mistaken. It is not under that provision that they sit there. They sit under section 30.

Diwan Bahadur T. Rangachariar: They are receiving a very inadequate remuneration, I do not think you can call it remuneration at all. The work they have to do is very responsible, and onerous work and they have to sit there for several days in the year and hear complicated questions of law and fact, so that I welcome the proposal to increase the remuneration of these Judges. But on the question of amount I have suggested a figure, not that I would stick to it if the Honourable the Home Member thinks that £4,000 is really needed. My own view is that to men who have attained the position to be able to sit in the Privy Council it is more an honour to be called to advise His Majesty in these matters of appeals and therefore the question of remuneration should only be such as to enable them to live comfortably in London. My estimate of it as £3,000 per annum, but I do not know what figures the Honourable the Home Member has in order to support his figure of £4,000. I am not very particular about the figure, whether it is £3,000 or £4,000, but Honourable Members will have noticed in my amendment two matters of substance. I am sorry that my Honourable friend thinks that my amendment raises a racial issue at all. Far from that. The Privy Council is composed of eminent English Judges who have had considerable knowledge and experience of the work of the Courts in their own country, and these two gentlemen who have to assist in the hearing of the Indian appeals are intended to afford that assistance from the point of view of India, Indian knowledge, Indian experience, knowledge of Indian customs, knowledge of the people of the country, knowledge of the laws administered in this country and knowledge of the practice. That being so, whatever may have been the state of affairs years ago I do not think that any one will be bold enough to assert that you cannot find two Indians all over India to be sent to the Privy Council. My Honourable friend contemplates recruitment from retired Judges and also from prominent persons practising at the Bar. As he has himself admitted, the Bar in most places has been Indianised and the persons whom he mentioned as making fabulous incomes, incomes which he cannot dream of,—those persons are mostly now Indian, and therefore, I quite agree that you must send your best men from India. but to suggest that in selecting two people for the Judicial Committee you will not be choosing the best men by confining the choice to Indians

The Honourable Sir Alexander Muddiman: I did not say that. What I said was that you may not necessarily get the best.

Diwan Bahadur T. Rangachariar: I think the best, with due respect, can be had from amongst the Indians in the legal world. I yield to none in my respect for my English friends at the Bar, but at the same time what is meant by the best? The best for the job. And what is the job they are going to be asked to do? To sit in the Privy Council and hear Indian appeals and assist the other learned Judges of the Privy Council with their knowledge of the customs, habits, law and practice of this country. For that purpose I consider that Indians are the best fitted for the job and therefore I am not in any way influenced by my Honourable friend's remark. It is not raising a racial issue at all, it has nothing whatever to do with the racial element. My view is you can get the best advice on Indian matters, Indian customs, Indian manners, and Indian law and procedure from Indians more than from English Judges who have been in this country. Therefore, I have introduced the word "Indians" in clause 2.

The other matter of substance by which I seek to improve this Resolution is this question that half the salary shall be paid from the Indian revenues. That the mighty British Government should enter into a pecuniary discussion in a matter of this kind seems to me most absurd. Here is the golden link which binds the Empire, this Judicial Committee of the Privy Council as has often been remarked. It is His Majesty's Privy Council, appeals really lie to His Majesty. His subjects petition His Majesty against the injustice done to them by the courts in his lands and when they come and lodge those petitions, when Indian subjects go to His Majesty complaining of the injustice and wrong done to them by his courts in this land, it is extraordinary that England should say, "Very well, we are not paying an adequate salary to the people whom we want to man the Privy Council with." And what is it that the Government propose to pay? Half. Why not two-thirds, why not one-third, why not the whole? What is the object of this half? Is it that England is so poor that she cannot pay this £4,000 out of the millions of pounds that she spends on other objects? I am ashamed that I should be speaking on the floor of this House about this. I do not think that any Member of the British Parliament could be so lost to his sense of dignity which attaches to this Empire that he is going to bargain with India, "Please pay the half of £4,000." You are receiving benefits in other ways. If England is to go and count it in the shape of rupees, annas and pies or pounds, shillings and pence, you are receiving it in a hundred and one ways if not a thousand and one ways—the material benefits you are enjoying and you have been enjoying for so long. Now all these years the Privy Council has gone on and you have been paying £400 each to these learned gentlemen who now adorn the Judicial Committee. And if you think that their remuneration is not adequate, it is His Majesty's Court. These are the advisers of His Majesty and why should not His Majesty's subjects in England pay for them. It is a bad precedent—not that this £4,000 is too much for our country, but England ought to pay for them. It is part of her business to keep this Privy Council, and so long as she has got an Empire, so long as she wants to be proud of her Empire, and so long as she wants to maintain her connection with her Dominions, she must pay for this just as she maintains the Crown. The Crown's accessories must be maintained

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by her. Then why not say, "As regards the King's Civil List you should also contribute to the King's ordinary expenses." He is our King just as he is their King, and why not put on the estimates of this House half his expenses. Why not come to us with that? It seems to me ridiculous that this proposal should emanate at all, but I hope it did not emanate from the British Government.

The Honourable Sir Alexander Muddiman: I should like to say it did not

Diwan Bahadur T. Rangachariar: I hope that if the proposal is put to them they will reject it with scorn. It is more the Indian way of looking at the matter, to pay half. Therefore I would ask that that clause should be dropped out. By all means increase the pay if you like. What did my Honourable friend say speaking about the adequacy of the salary? He contemplates Indians going there. Only he objects to my putting it in the Resolution. He said that eminent men from the Bar and retired Judges of the High Court will go to England and sit on the Privy Council and then return to India and spend the evening of their life here. That is what he contemplates. When he asks us to pay them £4,000, he contemplates that they will be Indians but if it is English Judges who go to England and spend the evening of their life there it is not necessary that they should receive such a high salary. Therefore £4,000 contemplates Indians being recruited. I do not want these things to be left misunderstood. We often have experience of the way in which the solemn assurances given on the floor of this House are not taken notice of. Only the other day we had an instance. We were given a solemn assurance that when the time came the scales will be weighted in favour of an Indian, but when the actual time came for carrying out this promise some other considerations prevail. If you want really to have Indian advice, why shut our eyes to the fact? If you want Australia to advise, would not Australia send its own men? If you want South Africa to send men there, would they not send their own men? So also in the case of India. If you want men to assist His Majesty in Council in Indian appeals, why not send Indians? It is the one Department in which Indians have distinguished themselves. It is in the domain of law that Indians have earned a world-wide name. You will be sending only two out of several that will be sitting on the Judicial Committee. I do insist, Sir, that the two gentlemen who have to sit and give advice on Indian matters should be Indians. As I have already stated, I am not very particular whether you pay £3,000 or £4,000, so long as the money comes from Britain, but I do object that any portion of the money should come from Indian revenues. I do not look at it from the point of view of money at all. Let that be clearly understood. I object to the character of the claim that we should contribute to His Majesty's Privy Council. I do not think the Indian revenues should be taxed with it. In the second place it is not consistent with the dignity of the Empire that England should claim any portion of the salary. Therefore, Sir, I move my amendment to this Resolution as it stands:

"That in clause (2) for the word 'persons' the word 'Indians' be substituted."

"That in clause (3) for the figures '£4,000' the figures '£3,000' be substituted (*I do not want this to be pressed to a division if my Honourable friend will not accept it*) and that the words 'half of which shall be paid from Indian revenues' be deleted."

I do say that it is my most emphatic conviction that the time has not come for having a final court of appeal in this land. Let us not hide the facts from ourselves. What is it you witness every day on the order sheet—Look at the questions asked! What is the proportion of Sikhs, what is the proportion of Biharis, what is the proportion of Muhammadans and of people from this province and that province? Now, I have to make a sorry confession. I make it with the greatest pain and regret, and it is that we do not trust each other. There is no going away from that fact. I do not trust Muhammad Yakub and Muhammad Yakub does not trust me.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): I do trust you, Sir.

Diwan Bahadur T. Rangachariar: That is all right. But there it is, that is a sorry fact we have to recognize. It occurs unfortunately and it is a thing which is really troubling us, and at this moment to talk of establishing an ultimate court of appeal here appears to me chimerical and foolish.

Colonel Sir Henry Stanyon (United Provinces: European): I rise to oppose the amendment. It may be put under three heads, substitution of "Indians" for "persons" in clause (2), substitution of "£3,000" for "£4,000" in clause (3), and deletion of the words "half of which shall be paid from Indian revenues". I will make my submission under each of these three heads in the order given. First, as to the substitution of "Indians" for "persons". This amendment takes me by surprise. That surprise is not caused by any shadow of a suspicion that the amendment is dictated by any racial bias. I know my Honourable and esteemed friend much too well to entertain any suspicion of that kind. My surprise is due to the fact that so capable a Member of this House should have over-looked a very obvious fact, namely, that any recommendation made to His Majesty for the appointment to His Majesty's Privy Council of a member with Indian experience must be governed only by a consideration whether the person recommended is the one best fitted to discharge the duties of the high office. He must be a person possessed of recent knowledge of Indian law and practice. Surely my friend will admit that on the Benches and at the Bars in British India there are both Europeans and Indians possessed of such knowledge. The task would be to choose the best, or the best available, from among them. The law administered by the Judicial Committee of the Privy Council is not merely the personal law of India. If that had been the case I would still have pointed out that such Europeans as John Mayne West and Buhler, Macnaughten and others have been recognized as authorities even on personal law. But in point of fact the Judicial Committee has to deal with a large volume of Statute law founded on principles of English law. I do not claim that European lawyers can understand and apply that law any better than Indian lawyers. Indeed the contrary is often the fact. But I do claim that an Indian, merely as such, is in no better position than a European to understand and apply Indian law as a whole. Therefore, I maintain that the only principle governing a recommendation to the Privy Council should be the fitness of the individual recommended regardless of his race or creed. Next as to emoluments. In India bargaining is a habit. We have had examples of it before in this House.

Mr. T. C. Goswami: The habit is there in the Resolution itself.

Colonel Sir Henry Stanyon: If the Honourable the Home Member had put £5,000 in his proposal, he might have got a vote in 1 P.M. favour of £4,000. But in this case the Honourable Mover of the amendment has realized that he is bargaining—if we take the terms of his whole amendment—for the British Government: because he does not want any part, even of the £3,000, to be paid out of Indian revenues. But, Sir, what is the real point? It is manifest that we want the best man we can get, European or Indian, to sit in final judgment on the Privy Council. Surely such a man should have an emolument not less than that of a provincial High Court Judge. As regards the money coming out of Indian revenues, I have not much to say. It is of the first importance to India that Indian law, and, if the necessity should arise as it sometimes does, Indian evidence, should be correctly understood and applied in the Judicial Committee; and that is an advantage which, it seems to me, with all deference to my friend's opinion and the opinions of others of my friends in the House, is one for which, on an ordinary principle of justice, India should pay. The fact that she has not paid for her justice so long does not seem to me to affect the position. So much the better for India. It does not take away from the justice of the proposition that where India asks to be supplied with a specially gifted and qualified man to give a final judgment on her administration of justice, she should pay for him. It must be remembered that in the terms of the Resolution this contribution will be controlled by the addition that the gentleman appointed shall cease to be a pensioner from Indian revenues during the time of his holding the appointment. I have said that it is of the first importance in very many cases that Indian evidence, *e.g.*, the construction of vernacular documents, should be properly appreciated and understood in a final judgment like that of His Majesty in Council. We know that what the Judicial Committee of the Privy Council have before them are mere translations. It is all very well to say that the original record is there, but if you have Judges who do not know India and its conditions . . .

Sir Hari Singh Gour: The original record is never sent out of the country. It is never sent.

Colonel Sir Henry Stanyon: That makes my position still stronger. They have nothing but translations.

The Honourable Mr. S. R. Das (Law Member): It is sent.

Sir Hari Singh Gour: My impression is that it is not; only the transcript.

Colonel Sir Henry Stanyon: Let me illustrate the danger of judging by translations only with a short story. I hope I will not be accused of levity in dealing with a serious subject, but I think it is a good illustration. I was at a banquet with some of my esteemed Indian friends, and one gentleman, an Indian, whose mother-tongue was Urdu or Hindi, being asked to make speech, was anxious to make the point that it was a splendid banquet and that he had thoroughly enjoyed himself. His thoughts may be put in Hindustani in these words: *Kya tofa khana! mera to peth bhar gaya.*

What he actually said was this. "It is a fine banquet. I am thoroughly fed up". (Laughter.) Well, Sir, no one who knows India would have any difficulty or make any mistake in construing that English sentence. But a Judge unacquainted with India or with Indian habits of this kind might easily fall into the error of thinking that this really pleased and satisfied gentleman meant only to be sarcastic. Turning to the serious side of it, I say that an error in the construction of a document by the Judicial Committee might work grievous injustice in India. It is for protection against this danger that it is of the first importance to India to have Judges who know the country, who know the people and who know the law and practice. I oppose the amendment of my friend "lock stock and barrel".

As regards my friend Sir Hari Singh Gour's opposition, his state of mind on the subject, I think is fairly evident from the terms of his speech; that he should feel hurt at the way in which his proposal, a serious and well-considered and hard-worked proposal, was treated is natural. But I think he has been carried away into rather overstating the case. In my address on the occasion in February last, when Sir Hari Singh's Bill was before this Honourable House, I pointed out in detail that while the British Empire exists as a British Empire no local Court in any part of it can forcibly displace the jurisdiction of His Majesty in Council. Supreme Courts have been set up; final courts have been created; but they are final only in the Dominion or other part of the Empire, where they have been established. Let me mention only the case of Australia. There we have Federal Courts and we have a Supreme Court called the High Court. Appeal lies from each Federal Court to this High Court, but every appellant from a Federal Court has the option, if he prefers, to go direct in appeal to His Majesty in Council. I think that if the constitution of these various courts is studied, it will be found—I think in Halsbury's Laws of England—that in no case is the jurisdiction of the Privy Council necessarily ousted—that is to say, not as of right. No doubt where there is a Supreme Court, the Privy Council does itself make rules against the admission of appeals which have been dealt with by the Supreme Court. But the jurisdiction is there. I hear for the first time to-day that His Majesty the King in Council is not a court. We speak of the Judicial Committee of the Privy Council.

Sir Hari Singh Gour: I have never said that His Majesty the King in Council was not a court. I only said that the Judicial Committee of the Privy Council was not a court but only an advisory committee to His Majesty.

Colonel Sir Henry Stanyon: I may be wanting probably in intelligence, but I am unable to understand how a part of a court cannot be a court at all.

Sir Hari Singh Gour: Advisers are not a court.

Colonel Sir Henry Stanyon: I ask the House not to be misled with these arguments urged against the Resolution relating to the Privy Council, because my friend's proposed Supreme Court did not find approval with this House. The House showed its sense of responsibility and appreciation in not consenting to set up a tribunal for which this country is not yet ripe. The time may come, when it will be so. I do not want to go over the whole of that ground again. Let this golden opportunity,

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as the Honourable the Home Member has rightly called it, be judged on its merits. So far as the financial side is concerned, others will speak with greater authority and ability than I can do, but there is no question about it that to have Judges who know India on the Judicial Committee of the Privy Council is a decided advantage and an urgent necessity (with all respect to the existing tribunal) for this country.

Diwan Bahadur M. Ramachandra Rao (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I regret I am unable to agree either with the Resolution moved by my Honourable friend Sir Alexander Muddiman or with the amendment of my friend Diwan Bahadur Rangachariar. I think, Sir, that this is one of those subjects which ought not to be considered for the present at any rate till the broader question of constitutional reform relating to India (Hear. hear) assumes some practical shape. Sir, the question of the constitution of a Supreme Court has been raised more than once in this House by my Honourable friend, Sir Hari Singh Gour, and I regret very much that the subject has not received as yet that consideration which it deserves. The Honourable Member says that this is a golden opportunity and that we should accept the present proposal for placing the recruitment of Judges with Indian experience on the Privy Council on a much better footing than it is at present. He said that the proposals embodied in the Resolution require Parliamentary legislation. I oppose these proposals for this very reason. My ground is that once his proposal is crystallised and put into a Parliamentary Statute, it is our experience that it is exceedingly difficult to secure a modification of those provisions if it is hereafter desirable to do so. We have had many instances where India is now being adversely affected by Parliamentary enactments such as the British Nationalities and Status of Aliens Act, the Merchant Shipping Act and other Acts, and it is exceedingly difficult to secure an alteration of any Act of Parliament. This Legislature has no voice in the matter and it has no power to modify or alter an act of Parliament. This House will therefore be well advised in not consenting to any proposal involving any Parliamentary legislation in regard to this matter

The Honourable Sir Alexander Muddiman: How does my Honourable friend propose to advance constitutionally on the path of Reforms if he objects to all Parliamentary legislation?

Diwan Bahadur M. Ramachandra Rao: I do not say that there should be no Parliamentary legislation at all about India. Till the broader question of constitutional reform is settled, this question of the payment of salary for the Judges of the Privy Council must wait.

As regards the financial aspect of this question, I am not concerned with the small amount involved in this proposal; but I feel however that this question has to be viewed also from a wider aspect. We have had a continuous agitation for 25 years for the purpose of placing the salary of the Secretary of State and his establishment on the British estimates. It has been our contention for a long time that the machinery of Government in Great Britain should not receive any financial help from Indian revenues and that we should be placed in regard to this matter in exactly the same position as other self-governing Dominions and Colonies. Sir, one

of the reforms carried out by the Government of India Act is that the cost of the India Office is placed on the British estimates. My Honourable friend is now asking for a contribution for the maintenance of the final court of appeal in Great Britain. It seems to me, Sir, that if the present proposal is conceded I do not see any reason why the Army Council should not come up and ask for a contribution for doing some work on behalf of India or why the British Cabinet should not ask for a contribution also for attending to that portion of their work which relates to India. (*An Honourable Member*: "They would welcome it though.") Yes, they would. Therefore, Sir, on the question of a contribution for the salary of the members of the Privy Council it seems to me that while it may be unobjectionable in itself it may lead to complications. If we adopt this proposal it will be pointed out as an instance in which we have consented to make contributions from Indian revenues to Imperial establishments in Great Britain. On that one ground I have very strong objections to consenting to any contribution for the Indian Judges who sit on the Privy Council.

I should also like to ask my Honourable friend, if Judges of Indian experience are required in the Privy Council, why we should not consider the scheme which was adopted at one time in regard to the self-governing Colonies. In the case of the self-governing Dominions, by a Statute of 58 and 59 Victoria, it was provided that:

"If any person being or having been chief justice or a judge of the supreme court of the dominion of Canada, or of a superior court in any province of Canada, of any of the Australasian colonies mentioned in the schedule to this Act, or of either of the South African colonies mentioned in the said schedule, or of any other superior court in her majesty's dominions named in that behalf by her majesty in council, is a member of her majesty's privy council, he shall be a member of the judicial committee of the privy council."

It seems to me that some arrangement like this may secure suitable Judges in service from India for the Privy Council.

The Honourable Sir Alexander Muddiman: I may point out that the Judge does not get any pay at all. In the next place the Colony is deprived of a Judge for that period. (*An Honourable Member*: "That is poor consolation to the individual judges.") It is great consolation to the British tax-payer.

Diwan Bahadur M. Ramachandra Rao: Some arrangement like the one I refer to will improve the status of the Judge of the High Court in India by being appointed to the Privy Council. One or two of the Judges actually in service in India will then be sitting on the Privy Council. Why should a Judge of the High Court not be appointed to the Privy Council instead of appointing a retired Judge who may not be in touch with the law in India.

The Honourable Sir Alexander Muddiman: Do you suggest that a Judge who is still a Judge in court here should go to the Privy Council to hear appeals?

Diwan Bahadur M. Ramachandra Rao: That is exactly what was done in the Colonies some time ago.

The Honourable Sir Alexander Muddiman: What would be the result of that? You would have to get another Judge to replace him.

Diwan Bahadur M. Ramachandra Rao: It may be that that is the better system. You would then have a Judge in living touch with the law in India, sitting on the Privy Council. He will come back after some time and resume his place here. That was the colonial system at one time. I am not at all enamoured of the proposal that at the end of his service one of His Majesty's Judges in India should be selected to serve on the Privy Council. It might be quite a nice billet for a retired Judge to get a salary of £4,000, but if it is a question of having living touch with the laws of India, I would rather take a Judge from one of the High Courts and ask him to serve on the Privy Council there for a certain period of time.

I do not know whether the question of having colonial Judges on the Privy Council received any attention from any of the Colonies. It seems to me that the question, judging from what is stated by Keith, was discussed by some of the Colonies. There were difficulties in asking either the British Parliament to pay for their service or in asking the Colonies to pay for their services. It appears to have been considered also from the point of view of the actual selection of the Judge being left to the Colony. In these circumstances I think the question is premature. I therefore oppose both the amendment as well as the Resolution moved by my Honourable friend Sir Alexander Muddiman.

Mr. T. C. Goswami: Sir, the Honourable Sir Henry Stanyon has informed this House that bargaining is an Indian habit. May I ask him that he might look again at the Resolution itself, which, happily, is not from an Indian, to see if, as proposed by my Honourable friend the Home Member, there is not an attempt at bargaining.

The Honourable Sir Alexander Muddiman: Certainly there is. I am trying to make the best possible bargain for India, and it is my duty to do so.

Mr. T. C. Goswami: I am glad the Home Member admits what I stated.

I certainly congratulate Sir Henry Stanyon on a capacity which I do not possess, namely, of being able to anticipate a speech and write out an answer to it before the speech has been delivered. So much for the Honourable Sir Henry Stanyon.

Colonel Sir Henry Stanyon: May I point out that I wrote out nothing in anticipation of any speech?

Mr. T. C. Goswami: I hope so.

Sir, the Home Member pointed out and reminded this House of the greatness of the English system of law. I should be the last man to say anything in derogation of that great system. Equally would I refrain from anticipating the future historian. Whether, after, as the Honourable the Home Member predicted as a necessary and inevitable end, the British Empire has ceased to exist, that historian is to give a greater place to the English system of law or to the Roman system of law, I am at one with the Home Member in saying that the system of law which has been evolved in Great Britain during several centuries is a system of law which commands the respect and will always command the admiration, of all foreigners. He has said also that there have been eminent English Judges that there are to-day, sitting on the Judicial Committee of the

Privy Council, eminent British Judges. Far from disputing that statement, again, I agree with him. But immediately afterwards Sir Alexander Muddiman came out with the suggestion that if some of these eminent judges were asked to come out to India, they would not care to do so, even for the satisfaction of hearing eminent lawyers like my friend Sir Hari Singh Gour. There I think Sir Alexander Muddiman as usual was very frank and candid. My answer to that is,—Who ever wants these eminent British judges to come out to this country?

The Honourable Sir Alexander Muddiman: I quite agree

Mr. T. O. Goswami: There are, and there have been great judges in England; there are and there have been great and eminent lawyers and judges in this country. Within their very limited scope, we have had in the latter part of the 19th century and in the first quarter of the 20th, judges in India who, as regards intellect and subtlety of perception, were inferior to no judges, no Chancellors in Great Britain. Beginning with the great Dwarkanath Mitter and Sir Muthuswami Aiyer, and coming down to the late Sir Ashutosh Mukerjee.

Sir Hari Singh Gour: Sayid Mahmood

Mr. T. O. Goswami: We too have had eminent judges. Sir, we have to-day even,—why, if we look round this House just now—eminent lawyers; and would the Honourable the Home Member say that they are not fit to take their seats on the Judicial Committee of the Privy Council?

Pandit Motilal Nehru: Are they in the running?

Mr. T. O. Goswami: My Honourable friend, the Leader of the Swaraj Party, says, are they not in the running for it. He says: Are they in the running? I am sure the Honourable Pandit Motilal Nehru is not in the running.

Mr. M. A. Jinnah: Question, question!

Mr. T. O. Goswami: And I am equally sure that some others among the galaxy of legal luminaries present here on both sides of the House would not mind taking their seat on the Judicial Committee of the Privy Council.

Mr. M. A. Jinnah: It would not pay us.

Mr. T. O. Goswami: Sir, I do not like the Privy Council to be the final court of appeal for India; and I think I am right in saying that most of my friends who voted against Sir Hari Singh Gour's Resolution on the establishment of a Supreme Court for India did so because they thought that, if a Supreme Court were to be established to-day in India, it would be filled with retired Chief Justices and retired Judges most of whom would not be Indians.

The Honourable Sir Alexander Muddiman: That was not the argument used any way.

Mr. T. O. Goswami: Sir, the Honourable the Home Member's reluctance to accept the amendment proposed by Diwan Bahadur Rangachariar as regards confining these appointments to Indians (as distinguished from "persons with Indian experience") shows that comfortable "billets"—I think that was a word used this morning—comfortable billets—were

[Mr. T. C. Goswami.]

being prepared for retired Chief Justices. His Excellency the Governor-General in opening the Legislative Assembly is reported to have said—“I was not present there to hear it—that the idea behind this proposal was to perpetuate the “system” of the Privy Council being the final court of appeal for India. (*Honourable Members on the Government Benches*: “No, no!”) That has already been pointed out by my Honourable friend Sir Hari Singh Gour. Well, I for one would do nothing that would encourage the perpetuation of a system of appeals to the Privy Council.

These, Sir, are the remarks I would put before this House in opposing the Honourable Sir Alexander Muddinnan's Resolution.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, although I am opposed to the establishment of a final court of appeal or a branch of the Privy Council in India for reasons stated by me in my speech on the Resolution of Sir Hari Singh Gour last year I am also opposed to the Resolution proposed by the Honourable the Home Member this morning. Sir, India has for a long time been subjected to a great injustice in the matter of the home charges. It has already been burdened with many charges which might, in fairness, have been borne by the British Exchequer. It was probably in 1874, during the Viceroyalty of Lord Northbrook, when the Committee known by the name of the East India Finance Committee was appointed to investigate the matter of home charges upon this country. The Committee after exhaustive inquiry reported that India was saddled with many charges which ought to have been paid by the British Treasury. Since then in spite of strong protests by the leaders of public opinion, like the late Dadabhai Naoroji and the late Mr. Gokhale, instead of giving any relief to India more and more burdens of home charges have been laid upon its revenues. We have to pay the home military charges. We have to pay the charges of the Secretary of State for India and his Council, unlike other Colonies under the British Empire. We have to pay the charges of the High Commissioner for India. We have to pay an increased amount of pensions and allowances to British officers as a result of the recommendation of the Lee Commission. And now we are called upon to pay half the salaries of the Judges of the Privy Council who will hear appeals from India, and I am sure that after some time the word “full” will be substituted in place of the word “half”! When the Judges of the Privy Council hear appeals from other parts of the British Empire, they do not receive emoluments from the revenues of those countries, and so there can be no justification in charging poor India with the salaries of the two Judges, in charge of Indian appeals, in the name of the King Emperor.

Sir, the financial condition of India is far from being satisfactory, and many a pressing reform cannot be effected in the country for want of funds. There is no system of sanitation in the villages and the physical condition of the people of this country is going from bad to worse every day. The normal age of the Indian is decreasing from day to day and no measures can be taken to stop these evils for want of money. The rate of death among the children is simply appalling, and nothing has yet been done to establish child welfare institutions in the country for want of money. Millions upon millions of people are sinking in the depth of

poverty and misery on account of taxes far beyond their means, and instead of giving her any relief, poor India is being overburdened with fresh charges every day.

There is also another aspect of this question, and it is this, that the Privy Council is supposed to be the adviser of His Majesty the King Emperor, the fountain-head of justice, and therefore the Judges of the Judicial Committee of the Privy Council are not allowed any salaries but they receive only a small honorarium. This is the distinction between them and the ordinary judges, and this is the distinction which lends an air of superiority to their judgments. You degrade them to the level of ordinary judges if you give them high salaries, and you take away that superiority which they claim as the honorary advisers of His Majesty . . .

Mr. H. Tonkinson: May I point out that most of the Judges who sit on the Judicial Committee of the Privy Council draw £6,000 a year?

Maulvi Muhammad Yakub: Sir, the Honourable the Home Member has just pointed out that they are paid £400, that it is not a salary but it is paid as an honorarium or as an indemnity for the time which they have to spend in England.

Sir, it is a matter of profound regret that the Government of India should ever have thought of introducing such a Resolution in the Assembly, which is calculated to degrade its position in comparison with the other parts of the British Empire even in the matter of the administration of justice. If we are asked to co-operate with the Government, which the bulk of the population of this country has never refused to do, if we are asked to extend the hand of friendship towards the Government, we are also entitled to the same consideration on the part of the Government and the Government should try to carry the public with them in all important acts of administration. They should also show a change of heart without which a response on the part of the people of this country is impossible. With these observations, Sir, I oppose the Resolution.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Sir, I oppose this Resolution, and if the House is not inclined to agree with me in opposing this Resolution, I shall accept as a lesser evil the amendment of my Honourable friend Diwan Bahadur T. Rangachariar. I would have also supported the amendment of my Honourable friend Sir Hari Singh Gour if that had not been disallowed. He would have been allowed to move it, if this Resolution had been brought before this House a month or so later because then there would not have been any bar under the Standing Orders. I have a shrewd suspicion that the Government have brought forward this Resolution a little earlier to take advantage of this bar, so that the irrepressible Nagpur Knight may not trouble them with his arguments for the establishment of a Supreme Court. My reason for opposing the Resolution is this. Making due allowance for the observations made by my Honourable friend Diwan Bahadur T. Rangachariar regarding the quality of the judgments of the Privy Council, I am bound to state that the Privy Council have not been of any use to us in protecting our lives and liberties against judicial aberrations here in India, for, after all, they deal with civil cases but cannot afford any relief in criminal cases even in the case of a sentence of death. The-

[Mr. Amar Nath Dutt.]

invariable reply which their Lordships of the Privy Council give, whenever there is an attempt to appeal in criminal cases, is "We cannot interfere". This is exemplified by a very recent case which has been wired by Reuter from London only yesterday. One Bilas Chandra Banerjee went to London to appeal against a sentence of one year's imprisonment and His Lordship Lord Dunedin said, "We are very sorry we are unable to help you". He explained that the Privy Council was not the criminal court of appeal. Now, Sir, it is probably consistent with conceptions of western civilisation that wealth and riches are more valuable than the life and liberty of a human being and hence we have been allowed to appeal in cases where wealth and property are concerned but not in the case of our lives and liberties. With that view we orientals certainly cannot agree. Our lives and liberties are more valuable to us than anything under the Sun.—millions of pounds or a thousand million acres of land. This case exemplifies that we do not get any relief in cases of this type from the Privy Council. Of what use then is the Privy Council to us? Why should we maintain this system? I know certainly that the amendment of my Honourable friend Diwan Bahadur T. Rangachariar that for the word "persons" the word "Indians" be substituted will not be accepted at least by the Treasury Benches. I will read one other line from the observations of their Lordships of the Privy Council and then sit down. This poor appellant went personally before the Privy Council and said, "My Lords, I had no justice anywhere". Feeling himself aggrieved by the judgment of some courts in India he went there in the hope of getting justice "I had no justice anywhere" sobbed the appellant to which Lord Dunedin replied, "We are very very sorry". Now, Sir, if that be the attitude of their Lordships of the Privy Council, and that cannot but be, under the present law as it stands, I beg to submit that we are bound to oppose this Resolution of my friend.

***Maulvi Abul Kasem** (Bengal: Nominated Non-Official): Sir, when such distinguished men as the Honourable the Vice-Chancellor of the Delhi University and the leaders of the Bar from Madras disagree it looks foolhardy on my part to rise to speak. (*An Honourable Member*: "It is.") I believe it is, Sir, but I think that in the discussion of legal aspects, at least the opinion of the man in the street should also have some consideration. Sir Hari Singh Gour said that from the Viceroy's speech and from the terms of this Resolution, if we accept it, we are going to perpetuate the establishment of the Privy Council and bar for ever the establishment of a Supreme Court in this country. Without going into the merits of this question I am afraid that my reading of the Viceroy's speech differs a little from his. I think that what the Viceroy meant was that the Privy Council has been of great benefit and advantage to the people of the country and it was meant not to perpetuate the Privy Council but to perpetuate the benefits thereof. Sir, I would remind Sir Hari Singh Gour that so far back as 1896 he associated himself with a resolution which was placed before a large gathering of my countrymen in Calcutta which demanded that Indian lawyers of eminence should have a place in the Judicial Committee of His Majesty's Privy Council. We in this country have been agitating for a long time for the appointment of eminent Indian lawyers to His Majesty's Privy Council because our lawyer friends felt that

*Speech not corrected by the Honourable Member.

however eminent British judges may be they were not conversant with the personal law and the habits and customs of the people of this country to be in a position at least to understand and adjudicate on the evidence before them or on the laws under consideration. Sir, my reading of the Resolution is—of course I have not the subtlety of a lawyer—that His Majesty's Judges on the Privy Council, as my Honourable friend Mr. Muhammad Yakub remarked, receive only a little honorarium for their work on the Privy Council and not a salary. It is beneath their dignity to receive any salary. But it is very difficult to secure eminent Indian lawyers to leave their country and go and stay in England for the purpose of having the dignity and honour of being a member of the Privy Council. It is true that one Indian gentleman has the honour of being a member of the Judicial Committee of His Majesty's Privy Council, but that gentleman did not go to England for that purpose. He went to England to make it his home and as he was available there he was appointed a member of the Judicial Committee. (*An Honourable Member*: "He does not require it.") Because he has gone there, but how many eminent people are prepared to do the same or for whom the fascination of residing in England is greater than that of living at home. I understand that the idea is to appoint distinguished lawyers, Indians, to sit on the Privy Council and therefore, if they are not to be paid a salary they must be paid so that they can live there comfortably as Diwan Bahadur Rangachariar said, and living there comfortably includes coming home occasionally.

Sir, the Resolution as placed before us has got the word "persons" and it has been said by my Honourable friend Sir Henry Stanyon and the Honourable the Home Member that the very best persons are to be appointed and that there is no need to limit it to Indians. I submit that while we want men with knowledge and experience of the Indian law they should be Indians themselves. I do not deny that there are English lawyers who understand our laws, our personal as well as statute laws, but I think nobody will deny that there are Indians who understand them as well if not better. Whatever the failings of my countrymen in other walks of life, there is no denying that in the field of law they have cut a brilliant figure. Many names have been mentioned and many more can be mentioned, but there is no need. I will, therefore, ask the House to accept the Resolution with the amendment that the word "Indians" should be substituted for the word "persons", because I think that, specially with reference to personal laws, Indians will certainly be more capable of understanding them. My Honourable friend Sir Henry Stanyon has given an illustration that a man who was wealthy said he was a beggar. That was because Englishmen who do not know the customs of the country or the language of the country, could not understand it. I submit that no British judge, however learned, however eminent he may be, will be able to realise fully the evidence and the technicalities of the personal law of Indians because he will not have that intimate insight into the life, customs and habits of the people of his country as the Indian lawyers themselves have. I would therefore insist that the term "Indians" should be substituted for the word "persons" for the very simple reason that there may be occasions when it may be necessary under certain circumstances to provide for non-Indians. British Judges who go to England after their retirement will get an honorarium. They require no special allowance when they sit on the Privy Council because they will live at their home. It is only in the case of Indian gentlemen

[Maulvi Abul Kasem.]

who have their home in India and have an attachment for their home that money is required to enable them to keep themselves in comfort in London and to meet the expenses of the journey to India and back. For these reasons I support the Resolution as amended by Diwan Bahadur T. Rangachariar.

The Assembly then adjourned for Lunch till Fifteen Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Fifteen Minutes to Three of the Clock, Mr. President in the Chair.

The Honourable Sir Alexander Muddiman: Sir, it is with some regret, indeed with some sorrow, that I find I have to rise in a House where there are only a handful of Members to reply to a subject of this importance.

Mr. R. K. Shanmukham Chetty: On a point of order, is there a quorum now?

(On a count being taken by the Secretary it was found that there was no quorum and the bell was rung and a quorum obtained.)

The Honourable Sir Alexander Muddiman: Sir, when I previously rose to address this House I expressed my regret that on a matter of this importance I should have to address empty Benches. This has in some degree been remedied by my Honourable friend opposite who very rightly pointed out that there was no quorum. I address the House suffering under a sense of extreme depression. The Resolution I brought forward, whatever its merits or demerits may be, is certainly on a matter of the very highest importance to India. That it should be a matter of such indifference to this House that a quorum was not present when it is under discussion is a matter which will doubtless be noticed by others besides myself. Sir, I am accustomed to Parliamentary defeat. I think the House will bear me out that I bear it with neither anger nor irritation. It is part of every one's business to do so. But when I see a debate which appears to me to fail to grasp the importance to India of the proposition I put forward I assure the House it is in no sense of personal pique that I feel depressed. It is in no sense because what I ventured to put forward will apparently be rejected. It is from the deep sense that if the House rejects this Resolution they will be doing a grave injury to India and to the interests of the people of India. Throughout this remarkable debate—I say remarkable debate for it is a matter for comment that two at any rate of the Members of this House who I should have thought would have felt it their duty to express their opinion on a matter of extreme interest have not done so. The opposition to the Resolution has hardly been less remarkable than the amendments which have been proposed. The opposition has been based on various grounds, so different, so peculiar, so remarkable that I cannot help feeling that the opposition to the Resolution is not based on the merits of the Resolution but because of the person who proposed it. I am deeply grieved if that is the case. (*Several Honourable Members:* "No, no, not at all.") I would like to bring the House back to one point. There has been a general suggestion throughout this debate that the Dominions are better treated in the matter of the Judicial Committee than this country, and the House has generally been led by some speakers on

that line. Now let me state quite plainly and frankly the facts. What are the facts? The Government of England, His Majesty's Government, have never contributed one farthing towards the cost of judges for hearing appeals from the Dominions, nor do they do so at this moment. In so far as the Dominions are concerned, the British Government has never paid a penny. (*An Honourable Member*: "What about the Colonies?") The position is the same. On the other hand on behalf of India there have been payments from the Consolidated Fund of the United Kingdom for the purpose of retaining Indian experience in the Privy Council since the year 1833. The Home Government have been paying two Judges £400 as an indemnity, a miserable indemnity I agree, but the payment has been made—what for? For the purpose of seeing that Indian experience is represented on the Privy Council. No such payment has ever been made on behalf of any Dominion, nor, as far as I know, has any Dominion ever asked for such payment. Another point was made to me by an Honourable Member for whose opinion I have great respect. He said that in my opening speech I created a doubt by not replying to a question from an Honourable Member opposite me (Mr. Chetty). He said that that has led to some misconception in the House. There is some idea apparently that this is a proposal that has been foisted on the Government of India by the Secretary of State. That is entirely erroneous. This proposal was taken up by the Government of India from the conviction that we should have to do something to secure a more satisfactory position, not in regard to the personnel—I have already paid a great tribute to the learned judges who have for many years ably discharged their functions—but in regard to changed arrangements for the hearing of Indian appeals. We took it up at this end. It was not in any way thrust on us; and when we took it up at this end, what was our position? His Majesty's Government had been paying for India what they had not done for anybody else; they had been paying since 1833 £400 per judge. A question was raised as to bargaining. As I told my Honourable friend opposite, I am proud to say that I . . .

Mr. T. C. Goswami: On a point of personal explanation, I did not raise the question of bargaining. I was only referring to a statement which I heard from my Honourable friend, Sir Henry Stanyon.

The Honourable Sir Alexander Muddiman: I am not reproaching the Honourable Member. He is quite right. I think it was the duty of the Government of India to bargain. When you want something more if you are a sensible man, you generally bargain. What was the position of the Government of India? They were receiving a benefit, they wanted more, they wanted a good deal more, they wanted Judges, instead of on £400, on £4,000 a year. That was our view, right or wrong. Very good. That would impose a charge on the English revenues ten times what had been previously paid for nearly a hundred years. Therefore I think it was not unreasonable that we should endeavour to show that we did appreciate to some extent the fact that it was not entirely the business of the English tax-payer to secure this representation, or at any rate not to the full extent of what we were suggesting. I said in my opening speech, our proposals were received in what I consider, and in what I would ask the House to consider, a fair and reasonable way. In substance the answer was, "Well, we also have got to consider the position. We had paid this money, we are prepared to go on paying the money, but if you want a change, let us see what you can do about it."

[Sir Alexander Muddiman.]

Is not that the principle which you always have in any business transaction? What other system can you proceed upon?

Diwan Bahadur T. Rangachariar: It is not a business proposition.

The Honourable Sir Alexander Muddiman: I will come to my Honourable friend in a minute. That was the proposition I put forward, and the House is under an entire misapprehension therefore if they think that we are having something forced down our throats against our will. We have tried to persuade the Home Government that it is necessary to do something about it. They are inclined to take our view and for that reason I say we have the chance of a good bargain. If this House rejects it, I greatly fear that it is finished. I greatly fear that the opportunity may not recur again. Let me take another point. What is the proportion of work that is done on behalf of India there? I told the House this before but I must have been speaking very badly or not listened to. I told the House that 59 per cent. of the total appeals that go to the Privy Council go from India.

Mr. T. C. Goswami: They ought not to be so much. That in itself is a wrong.

The Honourable Sir Alexander Muddiman: That is quite another proposition. I quite agree that my Honourable friend has been consistent in denying the advantages of any existing institution. I give him the credit for that consistent attitude. The other Members of the House I hope are not perhaps so consistent on that view. In the period between the years 1911 to 1917—I repeat these facts because they were apparently not understood—there were 514 Indian appeals and from the whole of the rest of the Dominions there were 365 appeals, that is, 59 per cent. of the work came from India. What did the Home Government do for that? For these 365 appeals that came from other parts of the Empire they did not contribute anything beyond the Judges who heard them. For our appeals they paid £800 a year.

Mr. S. C. Ghose (Bengal: Landholders): Appeals are increasing.

The Honourable Sir Alexander Muddiman: Appeals no doubt are increasing. My Honourable friend is connected with the Court and he knows it. It may be so. In my time they were decreasing. It depends on the Judges. (Laughter.)

Mr. M. A. Jinnah: Why not have a Supreme Court?

The Honourable Sir Alexander Muddiman: May I proceed in my own way? That is my point. Therefore so far from India being in a worse position—that is the point which was really urged—than the Dominions, so far from our being asked to do something which the Dominions do not do, so far from the British Government treating India worse than it does the Dominions, we are in a far better position. My Honourable friend, Diwan Bahadur Ramachandra Rao took the line that it was an atrocious thing that India was not treated as well as the Dominions. I have shown conclusively that, so far from the treatment to India being worse, we have been better treated financially.

The next point I want to make is this. My Honourable friend seemed to think that there was some curious constitutional objection to the change affected being made by an Act of Parliament. He argued apparently that nothing should be done in that way till the constitutional changes he desires have been given effect to. He would not invoke Parliamentary legislation

to assist the better hearing of appeals. Surely, that is very much overstating the point if there is any point in it at all. You have got to invoke Parliamentary assistance in what respect? Simply to provide for proper payment to men who represent your own country. Now, so much on that point.

Then, it was said "Why not have a Supreme Court?" My answer to that is this. The House had the matter before it for a considered decision. It was debated at great length on the 17th February 1925 and they rejected the Resolution and when my Honourable friend Mr. Goswami gave the reasons why he voted for the rejection of that Resolution, all I can say is that they were not the reasons given by the Honourable gentleman under whose flag, I understand, he serves. His reasons were that he did not like any existing institutions if I gathered him rightly.

Mr. T. C. Goswami: It comes practically to the same thing. Doesn't it?

The Honourable Sir Alexander Muddiman: My statement of the case is, I see, correct. I do not intend to take up the time of the House by digging skeletons out of the debates in the Resolution which was rejected, because I am not one of those who believe in trying to pin people to consistency not if I want their votes. I do recognise that people change their views and I do recognise that it is unfortunately the necessities of the case that make them change their views.

Mr. M. A. Jinnah: Why not show the same respect to other Resolutions of this House?

The Honourable Sir Alexander Muddiman: My Honourable friend is perfectly right in his point. This is a Resolution to which we do desire to pay respect. It happens to be one which he will not vote for and therefore he desires to pay no respect to it.

Mr. M. A. Jinnah: It is a wrong opinion.

The Honourable Sir Alexander Muddiman: In your opinion, not in mine.

3 P.M. Now, I have dealt with that point. Sir, sometimes my supporters give me nearly as much trouble as those who definitely say that they disagree with me entirely. (Laughter.) My Honourable friend Diwan Bahadur Rangachariar I confess surprised me immensely. As to his first point about economy, I need not refer to it because his second amendment makes it perfectly clear that economy will not begin at home and that he attaches little point to it as he has been economical with other people's money. I need not carry that point further because Sir Henry Stanleyon has already dealt with it.

The second point was the insertion of the word "Indian." Now, I have tried to meet it in advance because I knew it would cause trouble if moved. Of course, I get the usual reproaches that unless you have the word "Indian" in the Statute, Indians will not be appointed. I really need not argue that point. I do not think my Honourable friend believes it nor do I intend to argue it. But what was his curious statement at the end of his speech. "He and his Honourable friend Maulvi Muhammad Yakub did not trust one another." He really would like further racial distinctions,—one a Hindu and the other a Muhammadan. What, else could it mean? (*An Honourable Member:* "Why not have both?")

The next point that was raised was the question of money. I have disposed of it sufficiently by pointing out that we were in a position of asking for further English expenditure and in order to support that we had to offer to do something on our side. It is a good maxim "*do ut des*". My sole and

[Sir Alexander Muddiman.]

only object is—and I believe there are many Honourable Members who have the same object at heart—that our proposals if agreed to would secure great advantages to India in the shape of a strengthened court. Notwithstanding the legal hair-splitting of my Honourable friend Sir Hari Singh Gour it is a court. It may give its advice to the King but for all practical purposes and for all practical men it is a court. By adopting this Resolution you would secure a court which would dispose of your litigation better. I am surprised, I confess, at the attitude which this House has taken because we have in it merchants and other persons to whom it is essential that judgments should be passed after the full understanding of the case. I cannot understand for example how a great Bombay merchant could refuse to support a proposal of this kind where recent Indian experience may decide the difference between a right and wrong decision on a trading contract. Sir, I appeal to the House to pass this Resolution. If it does not do so, it will be doing great harm to the people of India, who look upon the Privy Council with justice as a court which has done great things for India. This House ought to be careful before it rejects this Resolution, because it will subsequently be sorry if it adopts that unfortunate course.

Mr. President: The original Resolution was:

"That this Assembly recommends to the Governor General in Council to take steps to secure:

- (1) in the case of future appointments the enhancement of the salaries paid to the two members of His Majesty's Privy Council with Indian experience who sit on the Judicial Committee under the provisions of the Judicial Committee Act of 1833 to hear Indian appeals;
- (2) that they shall be persons possessed of recent knowledge of Indian law and practice;
- (3) that their salary shall be £4,000 per annum each, half of which shall be paid from Indian revenues; and
- (4) that during any period when the salary is enjoyed, any pension payable to either of them from Indian revenues shall lapse."

Since which the following amendment has been moved:

"That in clause (2) for the word 'persons' the word 'Indians' be substituted."

The question is that that amendment be made.

The motion was negatived.

Mr. President: The following further amendment has been moved:

"That in clause (3) for the figures '£4,000' the figures '£3,000' be substituted and the words 'half of which shall be paid from Indian revenues' be deleted."

The question is that that amendment be made.

The motion was negatived.

Mr. President: The next question is:

"That the following Resolution be adopted:

'That this Assembly recommends to the Governor General in Council to take steps to secure:

- (1) in the case of future appointments the enhancement of the salaries paid to the two members of His Majesty's Privy Council with Indian experience who sit on the Judicial Committee under the provisions of the Judicial Committee Act of 1833 to hear Indian appeals;
- (2) that they shall be persons possessed of recent knowledge of Indian law and practice;
- (3) that their salary shall be £4,000 per annum each, half of which shall be paid from Indian revenues; and
- (4) that during any period when the salary is enjoyed, any pension payable to either of them from Indian revenues shall lapse."

The Assembly divided:

Diwan Bahadur T. Rangachariar: May I ask if the clauses may be put separately?

Mr. President: The Honourable Member is too late now.

(While the division was proceeding.)

Mr. President: Order, order, no canvassing within the Assembly Chamber is permissible, at any rate within the hearing of the Chair.

AYES—40.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Akram Hussain, Prince A. M. M.
Ajjai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Bas. I.
Bray, Sir Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Carey, Sir Willoughby.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Donovan, Mr. J. T.
Gidney, Lieut.-Colonel H. A. J.
Gordon, Mr. R. G.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh Brar, Sardar Bahadur
Captain
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Jatar, Mr. K. S.

Jeelani, Haji S. A. K.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Mitra, The Honourable Sir Bhupendra
Nath.
Muddiman, The Honourable Sir
Alexander.
Muhammad Ismail, Khan Bahadur
Saiyid.
Naidu, Rao Bahadur M. C.
Neave, Mr. E. R.
Owens, Lieut.-Col. F. C.
Roffey, Mr. E. S.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanvon, Colonel Sir Henry
Tonkinson, Mr. H.
Vernon, Mr. H. A. B.
Vijayaraghavacharvar, Sir T.
Willson, Mr. W. S. J.

NOES—50.

Abdul Karim, Khwaja.
Acharya, Mr. M. K.
Ahmad Ali Khan, Mr.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Almuzzaman Chowdhry, Khan
Bahadur.
Ariff, Mr. Yacoob C.
Badi-uz-Zaman, Maulvi.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Dr. S. K.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghose, Mr. S. C.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kidwai Shaikh Mushir Hosain.
Laipat Rai, Lala.
Lohokare, Dr. K. G.

Majid Baksh, Syed.
Misra, Pandit Harkaran Nath.
Misra, Pandit Shambhu Dayal.
Murtuza Sahib Bahadur, Maulvi
Sayad.
Mutalik, Sardar V. N.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sanker.
Reddi, Mr. K. Venkataramana.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan
Bahadur.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Talatuley, Mr. S. D.
Tok Kyi, U.
Venkatapatiraju, Mr. B.
Yakub Maulvi, Muhammad.

The motion was negatived.

THE CONTEMPT OF COURTS BILL

The Honourable Sir Alexander Muddiman (Home Member) Sir, I move that the Bill to define and limit the powers of certain Courts in punishing contempts of Courts as reported by the Select Committee, be taken into consideration

I have no observation to make beyond what I shall have to say on the amendments

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly Non-Muhammadian Rural) Sir in regard to the amendments of which I have given notice so far as No. 1 is concerned I find, re-reading clause 2 of the Bill as amended by the Select Committee that it is unnecessary to make the amendment. I do not move that amendment. Sir

Mr. President: The House is not considering the amendments at present. It is considering the motion that the Bill be taken into consideration.

The question is

That the Bill to define and limit the powers of certain Courts in punishing contempts of Courts as reported by the Select Committee be taken into consideration.

The motion was adopted.

Mr. President: The question is

That clause 2 do stand part of the Bill.

Mr. A. Rangaswami Iyengar: Sir, I do not move the first amendment that stands in my name to insert the word "Presidency" as I think it unnecessary. Then I move the second amendment that stands in my name namely

That sub-clause () of clause 2 be omitted.

That clause Sir is in the following terms

Subject to the provisions of sub-section () a Chief Court shall have and exercise the same jurisdiction powers and authority in accordance with the same procedure and practice in respect of contempt of itself as a High Court referred to in sub-section (7).

You will notice Sir that in the report of the Select Committee my leader Pandit Motilal Nehru, Mr. Kelkar and myself have clearly explained the reasons why we think this amendment is necessary. It is unnecessary for me to add many words in support of that minute. We notice Sir that the Select Committee have themselves accepted the proposition that a Chief Court does not possess either the same status or the same authority as the High Courts and therefore they ought to be treated differently because you will find Sir that in sub-clause (2) the Chief Courts are not given the power to punish contempts of subordinate courts which clause 2 sub-clause (1) gives to the High Courts. Therefore Sir it being admitted that the Chief Courts are inferior courts, it is obvious that they should not be armed with the power which this Bill proposes to confer on the Presidency High Courts. As has been explained in our minute, this

power to punish for contempt is a summary power, is a power which is in its nature very sweeping, and in entrusting it into the hands of the highest courts we have desired only to limit it to that extent and to that extent only to which it has been considered by the decisions of High Courts in this country to belong to the High Courts in India. So far as the Presidency High Courts are concerned, Sir, it has been decided that the Presidency High Courts do possess the power to punish for contempts as courts of record, not because they are courts of record, Sir, but because, by a process of reasoning adopted by the Privy Council, they are analogous courts in this country to the Courts of King's Bench which administer the Common law of contempt. Therefore, Sir, so far as the Presidency High Courts are concerned, their power to punish for contempts is admitted; but so far as their power to punish contempts of subordinate courts is concerned, there has been a conflict of decisions in the High Courts themselves, the Calcutta High Court holding that the High Court of Calcutta has no power to punish for contempts of subordinate courts, while the Madras and Bombay High Courts have held the contrary view. The object of the Bill, as was stated in the Preamble, is to set this doubt at rest by taking the view of the Madras and Bombay High Courts. So far as that part is concerned, the Select Committee have agreed to insert the same in clause 2, sub-clause (1). But, Sir, no reason whatever has been shown why that power should be extended beyond the scope to which it was limited by the decisions of Courts and also by the history of the matter. As I said, Sir, the power to punish for contempt is a peculiarly dangerous power to use, and it will not be proper, so far as this House is concerned, for us to entrust such a sweeping power into the hands of Chief Courts in this country whose composition and status by no means would warrant the exercise of such a power.

Then, Sir, the whole position comes to this. We are here, so far as the law is concerned, not to take away any power which is possessed by the High Courts; but we are not here to create new powers in Chief Courts, much less in Judicial Commissioner's Courts which will give into the hands of Judges the duties of prosecutor and judge at the same time and also give them power to exercise sweeping punishments upon those who may be subject to the wrath of these Courts or of petty Courts under them. I therefore, Sir, move this amendment.

The Honourable Sir Alexander Muddiman: Sir, I will imitate my Honourable friend in his brevity, though perhaps I cannot follow him in his reasoning. Perhaps I have become despairing from failure to convince this House on more important matters. I would, however, point out in the first place, as my Honourable friend rightly pointed out, that if the Bill stood as it was, it would be illogical. But he has omitted to notice, or perhaps he has noticed it and he prefers not to mention it, that I have an amendment on the paper, which will cure the logical defect which he pointed out and which will restore the Chief Court to the position of having the power to protect its subordinate Courts.

Mr. A. Rangaswami Iyengar: More illogical

The Honourable Sir Alexander Muddiman: Now, I made the position perfectly clear to the House when I originally secured the reference of his Bill to the Select Committee. In my last speech I formulated three

[Sir Alexander Muddiman.]

principles, which I will read in the very language I used when I spoke just before the division. I said three questions of principle were involved in the Bill. "One was that doubts should be resolved. The second principle was that the Courts, not now empowered, which are in the same position as High Courts, should get the powers of a Court of record. And the third principle was that the power of punishment of the High Court should be restricted to six months." Of course, it is perfectly open to the House to revise the deliberate decision which it came to. But I merely point out that that was the decision which they came to, as a result of a vote of the House on a perfectly plain issue. I observe that it was one of the largest divisions in favour of Government that have ever taken place in this House. Those who supported me were 82 and against me were 8. It is very difficult for me to proceed on a Bill of this kind or indeed on any Bill except on a consideration of what the House itself decided. Of course, my Honourable friend is perfectly in order in trying to get his own views put into effect. But I would point out to him, if I am not mistaken, he voted for me on that reference on the very distinct point I put to the House. Therefore, on the merits,—I do not propose to take up the time of the House by arguments at any length,—there is no ground for differentiating the Chief Court from a High Court in respect of their power to punish contempts of their own authority. Sir Sivaswamy Aiyer deals with this point in his minute of dissent. He says: "I do not approve of the amendment restricting the power of a Chief Court to cases where the contempt relates to the Chief Court itself." That is to say, he strongly supports my view. There was considerable support for my view in the Select Committee. In my judgment the House itself has once affirmed that proposition. Of course one cannot tell—I notice changes (and can guess the reasons of them)—whether I shall be supported in this House. I oppose the motion, Sir.

Mr. President: The question is:

"That sub clause (2) of clause 2 be omitted."

The Assembly divided:

AYES—38.

Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Ariff, Mr. Yacoub C.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghose, Mr. S. C.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Iyengar, Mr. A. Rangaswami.
Kidwai, Shaikh Mushir Hosain.
Lajpat Rai, Lala.
Lohokare, Dr. K. G.
Majid Baksh, Syed.
Malaviva, Pandit Krishna Kant.

Misra, Pandit Harkaran Nath.
Misra, Pandit Shambhu Dayal.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Ramachandra Rao, Diwan Bahadur M.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Samidullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Talatalay, Mr. S. D.
Tuk Kyi, U.
Venkatapatriaju, Mr. B.

NOES—44.

Abdul Qaiyum, Nawab Sir Sahibzada.
 Ahul Kasem, Maulvi
 Ahmad Ali Khan, Mr.
 Akram Hussain, Prince A. M. M.
 Bajpai, Mr. R. S.
 Bhore, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Sir Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Carey, Sir Willoughby.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Donovan, Mr. J. T.
 Ghulam Bari, Khan Bahadur.
 Gordon, Mr. R. G.
 Graham, Mr. L.
 Hezlett, Mr. J.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Hudson, Mr. W. F.
 Hussanally, Khan Bahadur W. M.
 Innes, The Honourable Sir Charles.
 Jatar, Mr. K. S.

Lindsay, Sir Darcy.
 Lloyd, Mr. A. H.
 Macphail, Rev. Dr. E. M.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Muddiman, The Honourable Sir
 Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Naidu, Rao Bahadur M. C.
 Neave, Mr. F. R.
 Owens, Lieut.-Col. F. C.
 Rangachariar, Diwan Bahadur T.
 Reddi, Mr. K. Venkataramana.
 Roffey, Mr. E. S.
 Roy, Mr. G. P.
 Sim, Mr. G. G.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Tonkinson, Mr. H.
 Vernon, Mr. H. A. B.
 Vijayaraghavacharyar, Sir T.
 Wilkon, Mr. W. S. J.
 Yakub, Maulvi Muhammad.

The motion was negatived.

The Honourable Sir Alexander Muddiman: Sir, in view of the decision of the House on the previous motion, I move:

"That in sub clause (2) of clause 2 for the words 'contempt of itself' the words 'contempts of itself and of Courts subordinate to it' be substituted."

The object of my amendment is perfectly simple. It was very logically explained by the Mover of the last amendment. He said that if you give a Court power to punish contempts of itself you ought to give it power to punish contempts committed before its subordinate Courts. Therefore, I think he will vote with me on this matter. The case is very clearly put by Sir Sivaswamy Aiyer in his minute. I prefer to quote his very words. Sir Sivaswamy Aiyer says:

"I am unable to appreciate the logic of allowing a Chief Court to take cognizance of, and punish, contempts of its own authority where it may be supposed the Chief Court may have a bias against the person in contempt and refusing to allow it to take notice of contempts committed before a Subordinate Court where the Chief Court is not likely to have any bias at all."

That is very reasonable. If you give the Chief Court power to protect itself I think you ought to follow the logical consequence and give it power to protect the courts subordinate to it. As has been pointed out, there can be no question of bias. Chief Courts have the power of superintendence over their subordinate courts and, if you give them powers of superintendence and the power to protect themselves, I really cannot see any logical reason why you should not give them power to protect courts which they supervise. It seems to me absolutely on the same lines as the previous amendment. I quite see my Honourable friend's point in trying to get rid of the power of the Chief Court to protect itself. If he had succeeded I would naturally not have moved this amendment but since he has been defeated, I have no doubt he will support me in this.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadian Urban). Sir, an appeal has been made to logic in support of this amendment. I am reminded of a famous saying of a Lord Chancellor that law is never logical. Logic is not a ground which appeals to me. The point of view I took in the Select Committee and which I wish to present to the Assembly is this. After all we must remember that the power we are to give to courts is an exceptional power and we must be very careful in clothing the courts with powers and therefore we have chosen the highest courts in giving powers for contempt. As regards contempt of itself, we thought it necessary that the Chief Court should be clothed with that power but in the case of contempts of subordinate courts, oftentimes what happens? Really it is the executive in the district who take a violent view as regards these writings or utterances. In the case of contempts of subordinate courts, the executive head of the district is the man who moves in the matter, not so much the court itself as perhaps the head of the police or the district magistrate who wishes to bring it up and haul up the person for contempt. So there will be a lot of executive bias thrown into the matter and in such cases we thought it right that the Chief Courts as they are not manned by His Majesty's Judges should not have the power to deal with such cases of contempt. The appointment in the case of these Chief Courts is technically made no doubt by the Governor General in Council but the local authorities have got a great deal of voice in the matter. Therefore the judges who man the Chief Courts cannot be expected to be above the executive in the same way as His Majesty's Judges of High Courts established by Letters Patent. Once Judges are appointed to His Majesty's High Courts the public have learnt to have great confidence in them, but I am sorry to say that the same confidence is not extended rightly or wrongly to people who are not so recruited. I do not mean any disrespect to them. I do not mean to cast the slightest reflection on these gentlemen. My point is this. Such cases are likely to create a great deal of executive bias in the district. Such cases ought to be left to the ordinary law. You can prosecute him for an offence committed under the ordinary law of the land. It is an exceptional power which a court takes to punish persons who commit contempts of the authority of the courts. This being an exceptional power and the ordinary law being available, the Legislature ought to be very careful in clothing these Chief Courts with these powers. I strongly oppose this amendment, though I supported the Government in the previous amendment. The Honourable the Home Member should not expect as a matter of logic that I should support this amendment. There is no logic here. It is a question of reason and common sense. Our knowledge of these affairs leads us to the conclusion that in these cases the Chief Courts should not be entrusted with these powers. I see that my Honourable friend Sir Sivaswamy Aiyer has fallen into the same error in his minute of dissent. He thinks there is no reason why this distinction should be made. Only he did not appreciate the reason which weighed with the majority in throwing out this suggestion. Now in the case of contempts of itself, the court itself will take notice. There will be no question of any head of the province taking notice of it because the Chief Court will itself take notice. And there will be more than one Judge to hear it; the Chief Judge may constitute a Bench to hear such cases. Although the particular Judge who feels hurt by the comments complained of may be the one who initiates the proceedings I take it that under the rules of procedure laid down a Bench of two or three Judges

will have to hear such applications. Therefore there is no danger at all in clothing the Chief Court with powers of dealing with contempts of itself. But to go beyond that I submit will be dangerous; it is not necessary; they have gone on all right without it and the Legislature should not extend it, especially as the opposition to this Contempts of Courts Bill has been very voluminous and strong in the country. We will be acting wisely in restricting the power only to contempts of itself and not go beyond that. Sir, I oppose the amendment.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, the Honourable the Home Member pointed out that in piloting this Bill he had three objects in view and the first and foremost object he had in view was to resolve some doubts which existed as to the powers which the High Courts in India possessed in punishing for contempts of subordinate Courts. Now, Sir, I quite concede that there is some doubt as to whether the Chartered High Courts in India do or do not possess the power to punish for contempt committed in respect of proceedings pending before the subordinate courts. On the last occasion when I had the honour of addressing this House on the subject I pointed out that Judges like Sir Lawrence Jenkins and Sir Ashutosh Mukherji have in a very considered judgment reported in 41 Calcutta at page 252 pointed out on a review of all the case law on the subject, English and Indian, that the High Court of Calcutta did not possess such power. It is perfectly true that the Madras High Court in a published judgment have held that they possessed the power to punish for contempt committed in respect of offences pending before the lower courts and that they derived that power from the Common law. But I venture to submit that the decision of the Madras High Court was a pure *obiter dictum*, in view of the fact that the counsel who appeared on behalf of the accused before their Lordships tendered his apology and declined to argue the question of jurisdiction. They nevertheless called upon him to argue that question as an *amicus curiæ*. His arguments are not reported, and I, therefore, submit that in view of the fact that the apology was tendered, that the accused threw himself on the mercy of the court and he was only called upon to argue the case probably at a moment's notice as *amicus curiæ* and his arguments are not reported, the judgment of the Madras High Court is not of the same value as the considered judgment of the Calcutta High Court. Then, Sir, there was another case in the Bombay High Court and that is a most instructive case. There the Honourable the Chief Justice preferred to follow the Madras ruling, whereas no less a Judge than Sir Lalubhai Shah on a consideration of all the case law on the subject agreed with the Calcutta High Court and said that so far as the Bombay High Court was concerned that power did not exist in that High Court. We have therefore, Sir, the preponderance of authorities in favour of the view that the Presidency High Courts in India do not inherit the power to punish for contempt committed in respect

The Honourable Sir Alexander Muddiman: I am sorry to interrupt the Honourable Member, but is this relevant to the point before the House? The Chief Courts have power to protect subordinate Courts.

Sir Hari Singh Gour: High Courts are not Chief Courts. Sir, the preponderance of authority was therefore in favour of the view that even the Chartered High Court had no power to punish for such contempts. I have therefore grave doubts whether the Legislature should intervene at this

[Sir Hari Singh Gour.]

juncture when the law of contempt is not understood in England; and I have given quotations from learned authors in support of the view that even in England trained judges are not in a position to define what a contempt of court means. Honourable Members who were present here when the Bill was introduced for the first time will remember that the original Bill contained a definition of the offence.

Mr. President: The Honourable Member is opening up a big question. There is an amendment standing in his name which will in due course be reached. At present he must confine himself to the amendment moved by Sir Alexander Muddiman, namely, whether a Chief Court should have power to punish contempts of Courts subordinate to it.

Sir Hari Singh Gour: That is the very thing I am trying to establish.

Mr. President: Order, order. The Honourable Member is not doing so.

Sir Hari Singh Gour: I am trying to show that the definition of contempt of court has never been formulated. The question is a very difficult one. Nobody knows what a contempt of court really is; and in view of this difficulty, would it be wise to confer this large power upon the Chief Courts in India? If you take the risk, take at least the least risk of conferring this power upon the Presidency and other Chartered High Courts. Do not go too far, and do not confer the power upon the Chief Courts, for the reason which I want to show, first, because the definition of contempt of court which has been omitted from the Bill leaves the High Court to formulate its own views of what constitutes the offence. Sir, I have always been against punishing a person for an undefinable act. I first ask him not to do it, and if he contravenes my order, then I punish him, whereas this Act says, "I will punish you". And then if the poor offender says, "For what", the Legislature says, "I do not know, but still I wish to punish you". Well, I submit, Sir, in view of this uncertainty of the law, in view of the difficulty expressed by responsible authorities, in view of the fact that the Legislature here has itself expressed its inability to formulate any workable definition of the offence, I would certainly not trust this large, plenary, uncontrolled, unfettered, summary power, without any right of appeal, to a Chief Court in India. I would have gone further and refused this power even to the High Court in this country, because I submit the law of contempt of court is in a state of flux and evolution; and studying the case law as far as I have been able to study it, no two judges really agree as to what a contempt of court really means . . .

Mr. President: The Honourable Member is repeating the same thing.

Sir Hari Singh Gour: Therefore, in view of the difficulty of defining the offence, in view of the summary powers conferred upon the Courts, in view of the fact that there will be no trial and no right of appeal, I submit, Sir, that it would be most dangerous to confer this power upon the Chief Court in respect of offences committed in Courts subordinate thereto. We have gone far enough, and I therefore support the recommendation of the Select Committee on this point and hope this House will support it too.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, it seems fairly obvious—I say it with all respect to the last speaker—that my

Honourable friend has not clearly understood the amendment which is before the House. His speech was directed to support a refusal of power to punish contempt of Court to Chief Courts generally. May I draw attention to the point in this Bill which we have reached? No amendment has been proposed to clause 2, sub-clause (1). By that sub-clause jurisdiction is recognised as existent in the High Courts of Judicature established by Letters Patent, and the doubt whether or not that jurisdiction extends to contempts committed against Courts subordinate to them is resolved. Sub-clause 2, by reason of a vote which has just taken place, now stands and it confers power on a Chief Court to exercise the same jurisdiction, powers and authority with the same procedure and practice in respect of contempts of itself as a High Court referred to in sub-clause (1). What is in consideration now is whether power should be given to a Chief Court over contempts committed against Courts subordinate to such Chief Court. The Honourable the Home Member has pointed out that if the enactment follows this Bill as it stands it will be illogical. My esteemed friend Diwan Bahadur Rangachariar has met that by saying that law is always illogical. I concede that there are provisions of law which it is difficult to reconcile though extremely good grounds exist for the presence of that apparent irreconcilability. But what is the case here? If we pass this Bill as it stands, let me give one concrete example of what we shall commit ourselves to. A is on his trial for his life before the Sessions Court in Allahabad. B is also on his trial for his life before the Sessions Court of Lucknow. A reactionary, let us say a bureaucratic, newspaper comments on these cases which are *sub judice* in a manner which, though not an offence under the Indian Penal Code distinctly tends to prejudice the chances of the accused getting fair trials. Comment with respect to the man under trial in Allahabad could be dealt with as a contempt. Comment with respect to the man under trial in Lucknow could not be so dealt with. Could there be greater inconsistency, want of logic, and, if I may say so, of common sense, than legislation which has that effect?

Diwan Bahadur T. Rangachariar: What were you doing till now?

Colonel Sir Henry Stanyon: I say that this amendment of the Honourable the Home Member is almost consequential and this Honourable House will do well to support it.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muham-
madan Urban): Sir, I would beg the House to realise fully what they would be doing if they accepted this amendment. In order to show what it means I shall have to go into the considerations into which my friend Sir Henry Stanyon has entered. He has given the instance of Lucknow and Allahabad, the Sessions Judge of Allahabad being subordinate to the High Court established by Letters Patent and the Sessions Judge of Lucknow being subordinate to a Chief Court not so established. He has pointed out the anomaly that if the accused in both the courts are prejudiced in their trial, the one in Allahabad gets the protection of the High Court and the other in Lucknow cannot avail himself of the protection of the Chief Court. Well, we have got to probe a little deeper to find out the real cause. The whole jurisdiction of contempt of Court is a creation of the Common law of England. It has been exercised by certain High Courts and it has been held by the Privy Council that those High Courts have that jurisdiction because they inherited it from the Supreme Courts who had most of the powers that

[Pandit Motilal Nehru.]

the Common law of England gives to the King's Bench. Now, Sir, in the first place, it is not true that all the High Courts of Judicature are the inheritors of that jurisdiction, as my friend Mr. Rangaswami Iyengar explained when he withdrew his amendment No. 1 as unnecessary. The simple reason is that all that sub-clause (1) of clause 2 says is :

"That the various High Courts of Judicature established by Letters Patent shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to them as they have and exercise in respect of contempts of themselves."

Now, that clause leaves it open, as I pointed out in the Select Committee, to any person to argue in the High Court of Allahabad that that High Court had no jurisdiction to punish for contempt of itself and consequently no jurisdiction to entertain a case of contempt of a subordinate court. All that the clause says is that the High Court shall have the same jurisdiction to punish contempts of subordinate courts as it has in respect of contempts of its own authority. Therefore, I say that the illustration given by my friend Sir Henry Stanyon does not help him, because I am prepared to argue and I hope others are prepared to argue any day in the High Court of Allahabad that that High Court does not possess any such jurisdiction for the simple reason that that High Court has not succeeded a Supreme Court but only the Sudder Diwani Adalat. It has never been contended that the Sudder Diwani Adalat had any jurisdiction to administer the Common law of England. Now, Sir, that being the case, I submit it is neither logic nor reason that because certain High Courts have that particular jurisdiction, it should also be extended to the Chief Court. Other reasons have been adduced by my friends Mr. Rangachariar and Dr. Gour, and I do not wish to repeat them. But I would again impress upon the House that what they would be doing if they accepted the amendment would be to give jurisdiction to the party aggrieved to try the party who has offended it. That is a jurisdiction which must not be given to every court. If the history of the establishment of particular court justifies that court in exercising that jurisdiction it is not in the power of this House to take away that jurisdiction.

Sir Hari Singh Gour: It is in the power of this House to take away any jurisdiction.

Pandit Motilal Nehru: I should think not. They may give the High Courts jurisdiction in certain cases but the jurisdiction which the High Courts exercise in virtue of their Charter is not to be taken away.

Sir Hari Singh Gour: There is a statutory authority for that.

Pandit Motilal Nehru: However that may be, when the time comes for us to take away a particular jurisdiction we shall consider the point. The question does not arise now. The question which does arise is that some of these High Courts claim to have the jurisdiction to punish for contempt of their own authority. They may or may not have that jurisdiction. We are not going into that. We say that they will continue to exercise such jurisdiction as they have; all we are doing is that we are giving them power to exercise such jurisdiction as they have to deal with

contempts of themselves also in respect of contempts of their subordinate courts. Let the matter rest there, but when you talk of Chief Courts you are creating for the first time a jurisdiction for which I submit there is absolutely no justification. For these reasons I submit that the amendment of my friend is not sound, and that the House will vote it down.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Sir, I think this House is convinced after hearing my leader that this hydra-headed monster is intended only for the three provinces which unfortunately are under the Presidency High Courts, namely, the provinces of Bengal, Bombay and Madras, because he has made it clear to everyone of us here that this enactment only gives the same power which they already possess, not any additional power; and it has been held that the Presidency High Courts have inherent jurisdiction to punish for contempt. Although the Calcutta High Court has expressed in no unmistakable language that it has no powers to punish contempt of courts subordinate to it, yet the Bill proposes to extend such powers with respect to such Courts. Now this Bill, if I am right, is intended to curb the freedom of the press, and the press in Bengal, Madras and Bombay I think lead the public opinion of this country, and with that end in view I think Government have introduced this Bill. I do not wish that this provision should be extended to other provinces where there are only Chief Courts or where there are High Courts which are not Presidency High Courts. I therefore oppose the amendment.

Mr. W. F. Hudson (Bombay: Nominated Official): I move that the question be now put.

Mr. President: The question is:

"That in sub-clause (2) of clause 2 for the words 'contempt of itself' the words 'contempt of itself and of Courts subordinate to it' be substituted."

The Assembly divided:

AYES—42.

Abdul Qayyum, Nawab Sir Sah bzada.

Abul Kasem, Maulvi

Akram Hussain, Prince A. M. M

Bajpai, Mr. R. S.

Bhove, Mr. J. W.

Blackett, The Honourable Sir Bas I

Bray, Sir Denys

Burdon, Mr. E.

Calvert, Mr. H.

Carey, Sir Willoughby.

Clow, Mr. A. G.

Cocke, Mr. H. G.

Donovan, Mr. J. T.

Ghulam Bari, Khan Bahadur.

Gordon, Mr. R. G.

Graham, Mr. L.

Hezlett, Mr. J.

Hira Singh Brar, Sardar Bahadur
Capt'n.

Hudson, Mr. W. F.

Hussanally, Khan Bahadur W. M.

Innes, The Honourable Sir Charles.

Jatar, Mr. K. S.

Lindsay, Sir Percy

Lloyd, Mr. A. H.

Macphail, Rev. Dr. E. M.

Mitra, The Honourable Sir Bhupendra
Nath.

Muddiman, The Honourable Sir
Alexander.

Muhammad Ismail, Khan Bahadur
Saiyid.

Naidu, Rao Bahadur M. C.

Neave, Mr. E. R.

Owens, Lieut.-Col. F. C.

Reddi, Mr. K. Venkataramana.

Roffey, Mr. E. S.

Roy, Mr. G. P.

Sim, Mr. G. G.

Singh, Rai Bahadur S. N.

Stanyon, Colonel Sir Henry.

Tonkinson, Mr. H.

Vernon, Mr. H. A. B.

Vijayaraghavacharvar, Sir T.

Willson, Mr. W. S. J.

Yakub, Maulvi, Muhammad.

NOTES—43.

Abdul Karim, Khwaja.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Ariff, Mr. Yacoob C.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Ghose, Mr. S. C.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Kidwai, Shaikh Mushir Hosain
 Lajpat Rai, Lala.
 Lohokare, Dr. K. G.
 Majid Baksh, Sved.
 Malaviya, Pandit Krishna Kant.
 Mra, Pandit Harkaran Nath.

Misra, Pandit Shambhu Dayal.
 Murtaza Sahib Bahadur, Maulvi
 Sayad.
 Mutalik, Sardar V. N.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Samiullah Khan, Mr. M.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Talatuley, Mr. S. D.
 Tok Kvi, U
 Venkatapatiraju, Mr. B

The motion was negatived.

The Honourable Sir Alexander Muddiman (Home Member): Sir, in view of the decision of the House I do not move my next amendment:

"That in sub-clause (3) of clause 2 after the words 'High Court' the words 'or Chief Court' be inserted."

Clause 2 was added to the Bill.

The Honourable Sir Alexander Muddiman: Sir, I do not propose to take up the time of the House in moving this amendment* at any length. The present position is that in contempt the High Court's jurisdiction to punish either by imprisonment or fine is unlimited. We have limited the imprisonment which may be imposed to six months. It is now proposed by the Select Committee's Report to limit the power of fine to Rs. 2,000. I entirely agree with my Honourable friend Sir Henry Stanyon that such a limitation is almost an insult to the High Court. If you cannot trust the power of fine to your High Court, whom can you trust it to? Two thousand rupees in my opinion is an entirely inadequate penalty for an offence which might be committed under this Bill if it becomes an Act. As a matter of fact High Courts have in the past in India imposed larger sums than that and of course if you have a bad case the High Court will be driven to imprisonment instead of resorting to fine. I therefore propose that the limit on the power of the High Court to fine be omitted.

Mr. S. C. Ghose (Bengal: Landholders): Sir, I oppose the amendment moved by my Honourable friend the Home Member. In support I would mention the opinion of the Judges of the United Provinces. Mr. Justice Mukharji of the Allahabad High Court says that he would fix the maximum sentence at one month's simple imprisonment with or without a fine not

*"That in clause 3, the words 'which may extend to two thousand rupees' be omitted."

exceeding Rs. 500. The District Judge, Hyderabad, desires that the nature of imprisonment should be mentioned. The Judicial Commissioner, Central Provinces, thinks that the maximum punishment should be imprisonment for six months or a fine of Rs. 1,000, or both. Nobody says that the sentence of fine should exceed Rs. 1,000. I moved in the Select Committee that the sentence should not exceed Rs. 1,000, but the Leader of the Swaraj Party thought that it would be better to increase it to Rs. 2,000. Therefore, I oppose this amendment.

Pundit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): Sir, I was just going out but as you have called on me to speak, I should like to say a few words. The Honourable the Home Member has just mentioned that it is an insult to the High Courts to fix the amount of fines. But how is it, I ask him, that the punishment for every crime has been fixed in the Indian Penal Code.

The Honourable Sir Alexander Muddiman: If my friend's premise were true it would be a question worth putting. .

Pandit Shamlal Nehru: If fixing of fines is an insult then I say the fixing of any punishment at all is an insult to the High Court. I can assure the Honourable the Home Member that if he will take off all the punishments for all offences in the Indian Penal Code he shall have my entire support. It will give High Courts power to give unlimited punishment and under section 3 of the Indian Criminal Law Amendment Act prisoners can be given unlimited punishment and not let off after a few months.

The Honourable Sir Alexander Muddiman: I do not think the Honourable Member has caught my point. I said that for most of the offences in the Indian Penal Code the fine is unlimited.

Colonel Sir Henry Stanyon: Sir, I am responsible for the expression that to place a limit on the amount of fine would be little short of an insult to the High Courts. The reference to the Indian Penal Code is irrelevant because in this particular case of Contempt of Court, it is not a right or a power of punishment that is being granted for the first time. The Bill as now framed proposes to take away from the High Courts an unlimited power which they have exercised with sound discretion up to the present day. Not one single case has been produced in which the High Court has abused its power to impose fine to an unlimited extent, and therefore, I say

Mr. A. Rangaswami Iyengar: Mr. Kelkar's case, Rs. 5,000 for nothing.

Colonel Sir Henry Stanyon: Therefore, I say that to limit that power would be suggestive of a want of confidence in the High Courts as to their exercise of that power. That is what I mean by these words as to insult. Therefore, what my friend Pandit Shamlal Nehru said has nothing whatever to do with the case.

Mr. President: The question is:

"That in clause 3 the words 'which may extend to two thousand rupees' be omitted."

The Assembly divided :

AYES—40.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Akram Hussain, Prince A. M. M.
Bajpai, Mr. B. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Carey, Sir Willoughby.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Donovan, Mr. J. T.
Ghulam Bari, Khan Bahadur.
Gordon, Mr. R. G.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh Brar, Sardar Bahadur
Captain.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Jatar, Mr. K. S.

Jeelani, Haji S. A. K.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Mitra, The Honourable Sir Bhupendra
Nath.
Muddiman, The Honourable Sir
Alexander.
Muhammad Ismail, Khan Bahadur
Saïvid.
Naidu, Rao Bahadur M. C.
Neave, Mr. E. R.
Owens, Lieut.-Col. F. C.
Roffey, Mr. E. S.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Tonkinson, Mr. H.
Vernon, Mr. H. A. B.
Vijayaraghavacharyar, Sir T.
Willson, Mr. W. S. J.

NOES—49.

Abdul Karim, Khwaja.
Acharya, Mr. M. K.
Ahmed, Mr. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Ahmuzzaman Chowdhry, Khan
Bahadur
Ariff, Mr. Yacoob C.
Badi-uz-Zaman, Maulvi.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Dr. S. K.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghose, Mr. S. C.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Ismail Khan, Mr.
Ivengar, Mr. A. Rangaswami.
Joshi, Mr. N. M.
Kidwai, Shaikh Mushir Hosain.
Lajpat Rai, Lala.
Lohokare, Dr K G

Majid Baksh, Syed.
Malaviya, Pandit Krishna Kant.
Misra, Pandit Harkaran Nath.
Misra, Pandit Shambhu Dayal.
Murtuza Sahib Bahadur, Maulvi
Sayad.
Mutalik, Sardar V. N.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Ramachandra Rao, Diwan Bahadur M
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar
Reddi, Mr. K. Venkataramana
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan
Bahadur.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad
Talatuley, Mr. S. D.
Tok Kyi, U.
Venkatapattiraju, Mr. B
Yakub, Maulvi, Muhammad.

The motion was negatived.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural). I move:

"That in clause 3 for the words 'two thousand' the words 'five thousand' be substituted."

(*Cries of "Withdraw"*). I will not withdraw. Sir, I purposely did not vote on the last amendment because I wanted the fine to be limited whereas the last amendment sought to make it unlimited, and I put in a minute of dissent in the Select Committee as well from that point of view. The fine that is now proposed is very small and may induce the High Court in a serious case to award a substantive sentence of imprisonment, and in order to avoid that, I have proposed a larger amount of fine and I wish the fine to be raised to Rs. 5,000, so that the High Court may have no inducement to award a substantive sentence of imprisonment. (*An Honourable Member*: "You are not a printer.") A fine of Rs. 2,000 in the case of important and well-circulating papers like the *Times of India* or the *Pioneer* will be a fleabite. Mr. Rangaswami Iyengar ejaculated a little while ago that Mr. Kelkar was fined Rs. 5,000 for merely nothing. But I would like to ask him a question as to how he knows that it was not a fleabite to Mr. Kelkar.

Mr. A. Rangaswami Iyengar: Certainly not. Mr. Kelkar is one of the poorest men in this country.

Khan Bahadur W. M. Hussanally: I do not know that, but that is not the question. My object in proposing this increased fine is to prevent the High Court from imposing a substantive sentence of imprisonment instead of a sufficiently deterrent sentence of fine.

Mr. Narain Dass (Agra Division: Non-Muhammadan Rural): In a poor country like India I would not mind if for a fine of Rs. 1,000 one is given a sentence of imprisonment for one year. The amendments standing in the names of my Honourable friends really take me by surprise. From Rs. 2,000 a jump to Rs. 5,000 is really wonderful. Merely weighing this amendment by no other consideration than that of pecuniary capacity, I would say that for a country like India imprisonment and imprisonment alone is the fittest punishment. In no case would I barter it away for a pecuniary punishment. Really a fine of Rs. 2,000 will kill many a paper. We know what a hand to mouth existence some of the newspapers are having. Most of them are working on a deficit and a fine of Rs. 2,000 will send many of them into liquidation. Such being the case, I do not know why the House which claims to be a representative House should press for a far heavier punishment. I would rather prefer imprisonment to a heavy pecuniary punishment.

Mr. A. Rangaswami Iyengar: I should have thought it unnecessary to offer my observations on my friend's amendment because the House has already virtually given its verdict. As my friend apparently has been a magistrate and has been a servant of the Government, I think he will appreciate the circular which has been again and again issued by the departments of the Government of India that the habit of fining subordinates is a most pernicious thing because it immediately injures the man and his family far more heavily than any disciplinary action. Perhaps my friend, while he was in service, must have resorted to this practice of fining indiscriminately and he thinks nothing of putting up the fine to Rs. 5,000.

Mr. President: The question is:

"That in clause 3 for the words 'two thousand' the words 'five thousand' be substituted."

The Assembly divided:

AYES—40.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Akram Hussain, Prince A. M. M.
Baigun, Mr. B. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Bardon, Mr. E.
Calvert, Mr. H.
Carey, Sir Willoughby.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Donovan, Mr. J. T.
Gordon, Mr. R. G.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh Brar, Sardar Bahadur
Captain.
Hudson, Mr. W. F.
Hussanally, Khan Bahadur W. M.
Innes, The Honourable Sir Charles.

Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Mitra, The Honourable Sir Bhupendra
Nath.
Muddiman, The Honourable Sir
Alexander.
Muhammad Ismail, Khan Bahadur
Saliyd.
Naidu, Rao Bahadur M. C.
Neave, Mr. E. R.
Owens, Lieut.-Col. F. C.
Roffey, Mr. E. S.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vernon, Mr. H. A. B.
Vijayaraghavacharyar, Sir T.
Willson, Mr. W. S. J.

NOES—60.

Abdul Karim, Khwaja.
Acharya, Mr. M. K.
Ahmed, Mr. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Alimuzzaman Chowdhry, Khan
Bahadur.
Ariff, Mr. Yacoub C.
Badi-uz-Zaman, Maulvi.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Dr. S. K.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghose, Mr. S. C.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Iyengar, Mr. A. Rangaaswami.
Joshi, Mr. N. M.
Kidwai, Shaikh Mushir Hosain.
Lajpat Rai, Lala.
Lohokare, Dr. K. G.
Majid Baksh, Syed.
Malaviya, Pandit Krishna Kant.

Misra, Pandit Harkaran Nath.
Misra, Pandit Shambhu Dayal.
Murtuza Sahib Bahadur, Maulvi
Mutalik, Sardar V. N.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan
Bahadur.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Talatuley, Mr. S. D.
Tok Kyi, U.
Venkatapativraju, Mr. B.
Yakub, Maulvi Muhammad.

The motion was negatived.

Mr. A. Rangaaswami Iyengar: I move, Sir, the amendment that stands in my name, namely:

"That for the proviso to clause 3 the following proviso be substituted, namely:

'Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the Court.'

I understand, Sir, that the wording of the proviso in the revised Bill has been due perhaps to an inadvertence, but we took it, Sir, that the proviso

as to apology followed the procedure in all contempt proceedings, that whenever a man has been called upon to show cause why he should not be committed, he generally makes a submission to the Court, and in most cases his submission and the apology to the Court are taken as sufficient for the purposes of justice and he is discharged. As the proviso in the Bill now stands, Sir, it reads:

"Provided that such punishment may be remitted on apology being made to the satisfaction of the High Court or Chief Court, as the case may be."

Therefore any apology that he may make before the punishment will become inoperative, and the man otherwise called upon to show cause will have not the opportunity of taking the pardon of the Court and thereby obtaining the discharge which he is usually given in contempt proceedings under the present circumstances. In each case therefore in which an apology is tendered, Sir, in order that the apology may operate, he must get convicted—that is as the proviso now reads. I therefore think, Sir, that the proviso as redrafted by us in the dissenting minute is the only proper thing that should be inserted in the Bill, subject of course to any changes in a small way which may be made. I move, therefore, Sir, that the proviso be inserted so as to make it clear that it is open to an accused in contempt proceedings to apologise and that it should be open also for the court to discharge him without any punishment, and that he may also similarly be given an opportunity to apologise after conviction and to have a remission of his punishment.

The Honourable Sir Alexander Muddiman: Sir, I need not make a long story. I am perfectly willing to accept the substance of my Honourable friend's proposal. I reserve the right merely to move any drafting changes that may be necessary. I am prepared to accept the amendment.

The motion was adopted.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman: Sir, I move that the Bill be passed.

U. Tok Kyi (Burma: Non-European): Sir, if there be any measures that have ever been introduced into this House and that require obstruction on our part, I think this present Bill is one. Sir, I know that the present measure has come out of the Select Committee with some improvements, and yet I am not prepared to give my support to it. We know very well, Sir, that High Courts of Judicature already wield immense power, and unless there is a separation of judicial and executive functions, I would hesitate to give any more power even to the High Courts. The measure, Sir, I think, is neither necessary nor desirable. In our part of the country no paper or no public man ever comments or criticises proceedings that are *sub judice* and I hope that the same practice is followed in other parts of the country. We know that the subordinate courts in India and Burma, though restricted in powers, are sometimes liable to exercise their powers rather arbitrarily and, though tempted to criticise their actions, both the public and the press usually refrain from doing so. The present measure is undesirable and unnecessary. With these few words, Sir, I oppose this Bill, though at this last stage of its third reading.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I also wish to say a few words in support of those that have fallen from my friend from Burma. Sir, the very idea of having a Bill to protect some Courts against contempt as it is called, by a Contempt of Court Bill, is itself obnoxious. Sir, I can very well understand that the acts and dignity of a court must be protected in certain ways and I believe that the existing provisions of the Indian Penal Code and also the provisions of the Civil Procedure Code to prevent disobedience of orders of courts in certain circumstances are mostly sufficient in themselves to protect the dignity of courts. But if going beyond that the courts or the judges who preside over these Courts are to feel so sensitive, so thin-skinned, that they cannot bear even the slightest comment that may be made against their acts by any newspaper editor or by any other individual I think such judges ought not to sit in these courts. If it is said that by any unfair comment, as it is called, upon the merits of a case that is *sub judice* the court is likely to be influenced by any remark which is made by one newspaper or another or by some other person; if the court is going to be so easily influenced by such remarks in the decision of the cases, such judges do not deserve to be judges. I think, Sir, the very idea of contempt of court is only borrowed from elsewhere and there is absolutely no reason why there should be an Act on the Indian Statute-book which is called the Contempt of Courts Act. I feel, Sir, that if it is only for vindicating the dignity of a court or the dignity of a person who presides over a court then the Honourable the Home Member was perfectly right in saying that the fines should be unlimited, because the dignity of such courts seems to be very invaluable and so precious that it cannot be valued at Rs. 1,000 or Rs. 2,000. But if, on the other hand, it is to be used, as it is apprehended it will be used, always against the press as a vindictive measure, then certainly it is not a measure that should be encouraged by an Assembly like this.

Sir, I have been seeing all along that Members who have been discussing this Bill or those who brought about the existence of this Bill itself have always been thinking of one thing and one thing only, namely, an action against the newspapers, and those on my side were thinking of Indian newspapers more than English journalists. But I think, Sir, that there is another important point which they have failed to notice, namely, those cases of contempt which often arise in the imagination of a judge who thinks that if any receiver is appointed by the court and thereby becomes an officer of the court, and if there is the least interference with him by any other man, however *bona fide* his intention may be, in the discharge of his duties that becomes a contempt of court. That comes more often before courts than even newspaper comments. If the Government of India will consider the matter and protect the courts against these by suitable provisions in the Civil Procedure Code itself, then alone such interferences with the courts of justice will be protected. Every other idea of protecting a court against an infringement of its mere dignity is merely sentimental and, if one insists upon it, I beg to state that this country is not prepared to entertain Bills like that on the basis of a contempt of the dignity of a court. I think it is proper to provide against interference with the administration of justice in courts by a suitable provision in the Civil Procedure Code, or in the Indian Penal Code and not by a measure which has till now been unknown in this country. Let

us not, therefore, help the Government in putting on the Indian Statute-book a Bill under this nomenclature. On these grounds, Sir, I strongly oppose the passage of this Bill into law.

Sir Hari Singh Gour: Sir, I have also the misfortune to oppose this Bill and in doing so I shall very briefly recapitulate my reasons. I appeal to my Swarajist friends to support the opposition because I will point out to them that this Bill makes a dangerous inroad on the liberties of the people and will be a menace to the liberty of the press. (Hear, hear.) The Honourable Pandit Motilal Nehru in his speech which he made on this Bill pointed out that it will be perfectly open to an advocate to explain to the High Court that they have no jurisdiction in accordance with the provisions of this Bill. With the utmost respect to my learned friend let me point out that under section 106 of the Government of India Act all the High Courts of India have been constituted as courts of record and the meaning of a court of record is that they are entitled to punish for contempts committed in respect of their own courts.

Pandit Motilal Nehru: That is under the Common law of England.

Sir Hari Singh Gour: Now, that being the statutory authority given to the High Courts of India, that authority has been extended by this Bill to contempts of subordinate courts. Therefore, I say that it is an extension of the existing rights which the High Courts claim for themselves, and the Legislature, I submit should not be a party to extending the jurisdiction of the High Courts.

I say further that cases of contempt are few and far between and the reported cases show that not a few of them were dealt with by the judges with the greatest hesitation, and in several of them the judges differed as to whether the act complained of was or was not contempt. I am opposed to this Bill because it does not define the offence, I am opposed to this Bill because I fear that it will operate as a menace to the liberty of the people and the press, I am opposed to this Bill because I submit that all legislation should be *ex post facto*, and no *prima facie* case has been made out why this piece of legislation should have been brought before this House. I am opposed to this Bill, Sir, to quote the language of a distinguished predecessor of the present Home Member, Sir Reginald Craddock, who in a speech said:

"Moreover even judges are human, and it is well to guard against the possibility—I will say the remote possibility—that the outraged feelings of a judge might lead to somewhat hasty or severe treatment of contempt of judicial authority. The Bill, therefore, contemplates that offences of this kind should be ordinary offences."

Well, Sir, I commend these words to the attention of the Honourable Home Member, and while there is time I hope he will not press forward this motion for its passage through this Chamber. If there is desire to legislate, let the offence be constituted and made a part of the ordinary criminal law of the land. That was attempted in 1914, and I do not see why the summary jurisdiction is now being conferred upon the High Court to punish for contempt which in 1914 was considered unnecessary and inexpedient. On these grounds I oppose the motion.

Pandit Motilal Nehru: Sir, it is my misfortune to disagree with my learned friend, Sir Hari Singh Gour, on the interpretation he has put on the section of the Government of India Act, which he has just cited before us. It does speak of the High Courts being courts of record, but where

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is the law in India which gives all courts of record the right to punish for contempt? That is a thing I want to see. I say again what I said in my previous speech, that the jurisdiction is not derived from anything but the Common law of England, and the Common law of England is not in force in India in its entirety. However I am at one with the Honourable Sir Hari Singh Gour in opposing the passage of this Bill, and my reason for opposing it is also the reason for my differing from him. Had this Bill given any new jurisdiction to the High Courts I should have opposed it at the very beginning, but my reading of the Bill is that it leaves the jurisdiction of the High Courts untouched whatever it is. Such High Courts as have jurisdiction from other sources will continue to have that jurisdiction. Such of them as do not already have that jurisdiction are not given any new jurisdiction by this Act. The whole object of the Bill which I was willing to support was to remove the doubts that had arisen about the jurisdiction of the High Courts admittedly having jurisdiction to commit for contempt of themselves in cases of contempt of their subordinate courts.

5 P.M. Now that was because there was a difference of opinion between the different High Courts in the country and it was advisable in the interests of the administration of justice that there should be no doubt about the jurisdiction of the various High Courts. It will not do to have one law in Bengal and another law in Madras. For that reason I was willing to support the Bill if the jurisdiction of the High Courts remained where it was without any addition being made to it. But what do I find? The rejection of the amendment proposed by my friend Mr. Rangaswami Iyengar leaves the High Courts where they are and gives an entirely new jurisdiction to the Chief Courts. That is a position, Sir, that we cannot accept, and we are bound to oppose the passage of this Bill.

Diwan Bahadur T. Rangachariar: Sir, we are to take stock of what we have done on this Bill and calculate the net gains and losses. It is true, as my Honourable friend Pandit Motilal Nehru has said, that new jurisdiction has been given to the Chief Courts against contempts committed against itself; but the improvement we have made in the law is as regards the High Court itself. We have removed existing doubts as he has pointed out. Further the High Courts had unlimited powers of punishment . . .

Sir Hari Singh Gour: Question. They never had any jurisdiction.

Diwan Bahadur T. Rangachariar: If my Honourable friend Sir Hari Singh Gour's view of the law prevailed! Their power has been curtailed . . .

Mr. A. Rangaswami Iyengar: We accept that.

Diwan Bahadur T. Rangachariar: My Honourable friend Mr. Rangaswami Iyengar was referring to the fine imposed upon Mr. Kefkar. It is no longer possible for a High Court to impose such extravagant fines . . .

Mr. C. Duraiswami Aiyangar: May I know from the Honourable Member whether the High Court may not yet say that this provision which has been made by this Bill is *ultra vires* because of the extraordinary powers they already possess?

Diwan Bahadur T. Rangachariar: I do not think any sane lawyer alive can have a doubt about that position (Laughter). If you read the Government of India Act, and the Schedule thereunder, there is no doubt as to the power of this Legislature to modify the jurisdiction of the High Courts. That is one thing, and also as regards the power of imprisonment which is unlimited, they could impose rigorous imprisonment. In the exercise of their powers over contempt they could have done it. Now what have we said? You shall not impose rigorous imprisonment. Imprisonment could be for any term. Now we say you cannot impose imprisonment for more than six months. Are these not substantial advantages? If they are substantial advantages, what is the loss? What is on the debit side?

Pandit Motilal Nehru: The Chief Court.

Diwan Bahadur T. Rangachariar: The Chief Court. And how many are they? With the help of my Honourable friend Pandit Motilal Nehru and his Party we have even there limited the jurisdiction of the Chief Court. Now unless you want to vote it down on some excuse or other, I do think, on a reasonable consideration of the measure, it is a measure which we ought to welcome in so far as we have put it right. I hope the House will carry this Bill.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I have taken no part in the discussion of this Bill or the various amendments that were moved, and the reason was that I left it to my Party to take part in the discussion and vote as they thought proper. Now we are told that there are fatal objections. The objections which find a place in the rhetoric of my friend Sir Hari Singh Gour are that it will destroy the liberties of the press, it will destroy the rights and liberties of the people. . . .

Sir Hari Singh Gour: I never said anything of the kind. I said threatens to be a menace.

Mr. M. A. Jinnah: Threatens to be a menace to what? To destroy the liberties, the freedom of the press, the liberty and the very existence of every human being in this country! Sir, that is mere rhetoric and eloquence, which is of course very nice to listen to, but beside the point. My friend Pandit Motilal Nehru, speaking on behalf of his Party, raises only one objection. He says everything else is well with this Bill, but this House rightly or wrongly—according to him wrongly—has extended the power to the Chief Courts to punish a case of contempt of itself. Well, Sir, are we going to throw out this Bill on that point alone?

Pandit Motilal Nehru: Yes, that is my point.

An Honourable Member: Why not?

Mr. M. A. Jinnah: Why not? It seems to me that some Honourable Members on this side think that if on one single point we cannot agree, then everything must be destroyed, Sir, I appeal to them

Mr. R. K. Shanmukham Chetty: Destroy the Government first.

Mr. M. A. Jinnah: I may assure my learned friend it will be a long time before that happens. But let us consider the principle of this Bill which was this, that it has been found that there is a conflict of decisions in this country whether the High Court has jurisdiction or power to punish

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cases of contempt of subordinate courts, and as we found there was a conflict, I, Sir, for one hold that it was necessary to put that question at rest. In England there is not the slightest doubt that the High Court has got power to punish cases of contempt of subordinate courts. Now that really was the fundamental principle of this Bill. But we happen to have in this country Chief Courts and Chief Courts have got extensive powers.

Diwan Bahadur T. Rangachariar: There is only one Chief Court I understand.

Mr. M. A. Jinnah: No, more than one. They have got extensive powers and they exercise jurisdiction over very extensive areas and over a number of subordinate courts. Now, should a court of that position which is almost equal to the High Court, should such a court, a court of such status, of such position, be allowed the power to punish a case of contempt of itself? What serious or dangerous inroad have you made by extending that power to the Chief Courts? Is that the only ground on which you propose to throw out this Bill?

Pandit Motilal Nehru: Yes, and that is a very potent ground.

Mr. M. A. Jinnah: You have accepted the principle of the Bill. Now, Sir, I am not prepared and I hope this House will not be led away to wreck this Bill purely on that ground. I could understand if there were any serious grounds.

Pandit Motilal Nehru: Is it not serious enough?

Mr. M. A. Jinnah: I say No, decidedly No, emphatically No.

Pandit Motilal Nehru: You have not considered the point.

Mr. M. A. Jinnah: I have! You have carried every single amendment against the Government. I congratulate you if you are satisfied with that. I have my own views about it now. On this one single point are you going to say that you will wreck this Bill? Is this House going to allow all this labour to be wasted? What is the menace, what is the danger?

Pandit Motilal Nehru: The Chief Court.

Mr. M. A. Jinnah: I don't see it. Why did you accept the principle of the Bill at all? I appeal to this House not to be carried away even by the leader of the Swaraj Party for whom I have great respect.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 4th February, 1926.

LEGISLATIVE ASSEMBLY.

Thursday, 4th February, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member): Sir, with your permission I desire to make a statement on the probable course of official business during the next week

On Monday, the 8th February, it is proposed, first, to complete the discussion on the motion to pass the Contempt of Courts Bill, and then to present the Demands for Supplementary Grants in respect of Railways and thereafter the following legislative business will be taken:

A motion will be made to pass the Trade Unions Bill; and leave will be asked to introduce

A Bill to provide for the validation of certain promissory notes, and

A Bill to amend the Steel Industry (Protection) Act, 1924. Motions will next be made to refer the Indian Insurance Companies Bill and the Indian Factories (Amendment) Bill to Select Committees

Thereafter motions will be made to take into consideration and pass the Indian Naturalization Bill as reported by the Select Committee.

On Wednesday, the 10th February, motions will be made to take into consideration and pass the Insolvency (Amendment) Bill as reported by the Select Committee, the Indian Income-tax (Amendment) Bill, the Code of Criminal Procedure (Amendment) Bill (Amendment of Section 123), the Code of Civil Procedure (Second Amendment) Bill relating to *wakalat-namas*, the Legal Practitioners (Fees) Bill, and the Indian Tariff (Amendment) Bill.

A motion will also be made to refer the Indian Bar Councils Bill to a Select Committee.

Thereafter if time allows, a Resolution, of which the Honourable Sir Charles Innes has given notice, will be moved for continuing the imposition of an export duty on lac up to the 31st December, 1931

PANEL OF CHAIRMEN.

Mr. President: Under rule 3 of the Indian Legislative Rules, I appoint the following Panel of Chairmen:

Mr. K. C. Neogy,
Sir Darcy Lindsay,
Lala Lajpat Rai, and
Mr. Abdul Haye.

THE WEEKLY PAYMENTS BILL

Mr. Chaman Lal (West Punjab: Non-Muhammadan): Sir, I move that the Bill to make provision for the weekly payment of wages to workmen, domestic servants and other employees, be referred to a Select Committee consisting of the Honourable Sir Bhupendra Nath Mitra, Mr. A. G. Clow, Sir Darcy Lindsay, Mr. T. C. Goswami, Lala Lajpat Rai, Mr. N. M. Joshi, Mr. C. S. Ranga Iyer, Mr. Devaki Prasad Sinha, Dr. S. K. Datta, Mr. K. C. Neogy, and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

Now, Sir, in making this motion I would like briefly to explain the objects of this Bill and the necessity for its reference to a Select Committee. This Bill has a two-fold object. It is designed firstly to make it impossible for employers in India to withhold the wages due to their workmen for more than a period of one week of their employment. Secondly, it is designed to facilitate the payment of wages to workmen after a week's employment in order to alleviate the economic sufferings of the workers in the key industries of India.

Now, Sir, I admit at the outset that there are very many drafting defects in this Bill which have to be remedied (*Khan Bahadur W. M. Hussanally*: "Hear, hear"); that it has many imperfections which are obvious on the face of the Bill itself; but all those defects and all those imperfections can be met and cured in the Select Committee and it is for that reason that I want the Bill to be referred to a Select Committee.

In the opinions that have been received regarding this Bill, Honourable Members will notice that most of the objections that have been raised against this Bill have come from people who do not wish to include domestic servants in the category of those whose payments should be made to them weekly. I quite admit the force of that argument. I admit that it is very difficult to enforce the payment of wages to domestic servants by the week; and I would be quite prepared in the Select Committee to drop that provision in the Bill which refers to domestic servants only.

But on the other hand we have to note that there are large classes of employees throughout India, particularly in the key industries, such as the textile industry of Bombay and of Ahmedabad, and the Railways, which are being penalised by their employers by the withholding from them of the wages that are due to them. Honourable Members who have followed the reports of recent strikes in India, particularly in Bombay, will have noticed that, time and again, the complaint has been made by the employees and those who represent the employees that the wages due to these workers at the time of the strike have been withheld by their employers. This is a matter within the knowledge of Honourable Members who have followed the trend of recent troubles in Bombay. During the last strike it became almost a scandal. There were workers, thousands of them, who were starving when they went out on strike (some of them just before pay-day). They asked for their wages and their employers told them that they were not going to pay them and that if they wanted their wages they could go to the courts and file suits and get their wages. Now, Sir, Honourable Members will readily admit the difficulty of the position when you are dealing with a mass of labour 184,000 strong, whose wages are withheld by their employers;—they can understand the difficulty of 184,000 men and women going to the law courts and suing their employers in order to

get their wages. This actually happened in the last strike and it has happened in almost every strike in Bombay, and the reason is very simple. Employers feel that if they can withhold wages from their workers they can thereby compel the workers by the force of starvation to go back to work. This is the method they adopt in breaking the back of a strike. That is exactly what happened once in Bombay and it is likely to happen every time when employers withhold the wages of their workers and ask them insolently to resort to the law courts for redress.

Now, Sir, a state of affairs like this certainly ought to be remedied. There is no justification for any employer in withholding the wages of the worker when those wages are actually due. We know perfectly well in the Indian industries what happens is this: that employers not only withhold wages in this fashion, but they actually withhold them by fining their employees on every conceivable occasion. But that is not what I am trying to remedy. What I am trying to remedy is this: the withholding of wages due to the workers in order to force them to go back to work—wages that are really legitimately due to the workers. An objection has been raised to this Bill on the ground that there is no real hardship which is inflicted upon the workers under the prevailing system of monthly payments. I hold in my hand Paper No. I which gives the opinions of the various Local Governments and of the people consulted by various Local Governments in regard to this Bill. I want to draw the attention of the House to the fact that in the opinions which are given in this White Paper, very few labour organisations have been consulted. Time and again it has been stated in these opinions that the workers were consulted. Who are they? Local Governments consulted the employers of labour, not the workers. It is quite an *ex parte* statement that I find in this document. No reliance should be placed upon it because legitimate labour organisations have not been consulted in regard to this Bill. And I venture to say that those who have been actually consulted, those who have informed the Government of their opinions, are overwhelmingly in favour of the provisions of this Bill. I have only to take the most important Local Government with which I have to deal, namely, the Government of Bombay to shew that I am right. Honourable Members will remember that this question of the payment of weekly wages to workers was raised by the late Secretary of State for India, Lord Olivier. Lord Olivier, in a letter which he addressed on the subject, said that he would like some light thrown upon this question both by employers and the Government because it had been brought to his notice that there were various complaints by workers with regard to the withholding of their wages by their employers. When the Government of Bombay circularised the Millowners' Association, they were told that the Committee of their Association were in agreement with the statement that wages ought to be paid to them more often than on the monthly basis and that the matter would be placed before the whole Association. When the matter was placed before the whole Association there was a change in the attitude of the Committee. I do not know whether that change coincided with the disappearance of the Labour Government, but I have my suspicions on that matter. It was stated that the Committee as a whole were not at all in favour of the new provisions with regard to the payment of wages on a weekly or a fortnightly basis, that they would stick to the payment of wages on the monthly basis as there was no case

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made out at all for payment to the workers on the weekly or fortnightly basis. I will reserve my remarks on this question of Lord Olivier's letter for the present.

Let me take the opinions given by various Collectors in the Bombay Presidency. Here we have the Collector of Belgaum. He says:

"I am of opinion that the view expressed by Diwan Chawan Lall in the Statement of Objects and Reasons appears correct so far as it concerns the mill hands and factory workers."

Here is the Commissioner, Central Division: .

"Factory owners ought to pay their ordinary workmen once a week."

Here is the Collector of Ahmedabad:

"The Bill may be made applicable to factory employees only, but there is at present no strong demand for it by the employees and it is not altogether an advantage to them since India is accustomed to monthly payments."

Here is the Collector of Broach:

"Only industrial concerns which come under the cognizance of the Factories Act should be brought under the purview of the Bill."

All these opinions relate to the restrictions that they want to place upon the terms of the Bill. They do not say that they are opposed to the provision which I am making in this Bill. They say that they would like the Bill to be confined to factory employees only.

The prominent citizens of Broach say:

"The Bill should be enforced in the case of industrial concerns amenable to the Indian Factories Act if at all it is deemed necessary to legislate on the subject."

The Collector, Panchmahals, says:

"The Bill should be made applicable only to such concerns as factories, mills, etc., and not to small concerns employing ten persons or less daily and working only four months or less in the year."

The Collector, Poona, says:

"The Bill should be restricted to concerns coming under the Factories Act only." and so on.

Mr. A. G. Glow (Industries Department: Nominated Official): Will the Honourable Member please read the heading under which these opinions are given?

Mr. Chaman Lall: The heading is this: "Application of the Bill: Question of including Factory Workers only." If the Honourable Member had only listened to my remarks instead of making his own notes he would have realised that I myself said that these opinions are for the restrictions to be placed on the terms of the Bill itself, that is to say these people want to restrict the Bill to factory workers. I said that quite clearly and I am surprised the Honourable Member did not follow me.

Mr. A. G. Glow: They must not be taken as complete opinions of these gentlemen upon the Bill.

Mr. Chaman Lall: Of course not. I said that quite clearly. I am surprised at the Honourable Member. I think he must be suffering from loss of memory. He does not realise that I said quite clearly and explicitly

that these opinions intend to confine the terms of the Bill. They want to confine them to factory workers only if the principle of the Bill is accepted. That is quite clearly stated in the opinions themselves.

Now, Sir, I turn to a very important personage. We have the opinion here of the Chief Justice of the Allahabad High Court, Sir Grimwood Mears. He says that he is in entire agreement with my desire as expressed in the provisions of this Bill, that is, payment to workers on a weekly basis.

I said, Sir, that I shall reserve my remarks about Lord Olivier. Let me briefly state what the position was with regard to the Secretary of State's letters to the Bombay Government. On page 25 Honourable Members will find a copy of the letter, dated the 22nd April, 1924, from His Excellency the Governor of Bombay, to Mr. S. D. Saklatvala of the Millowners' Association. It runs as follows:

"I reported very fully to the Secretary of State for India, at his request, for the information of Parliament, all matters arising out of the recent mill strike including the cause which led up to the strike and all the facts in connection with the strike itself and the return of the mill hands to work. I have to-day received from Lord Olivier a letter, from which I quote the following sentence:

'My attention was called the other day to the great hardship of the Indian system of paying wages, namely, that they are not payable till a month has run, and after that are liable to be delayed. This is an evil which used to be much felt in the Colonies, but we superseded it in Government employment many years ago, and now pay wages at least fortnightly and, if possible, weekly. India is still behind hand in this respect, but as industrialism progresses more civilised arrangements must be made. Can you do anything in this direction?'

I had been intending to communicate with you as Chairman of the Millowners' Association on the subject before the receipt of Lord Olivier's letter and it is a fact that wages in the mills in Bombay are not even paid monthly for the men do not receive their wages until the middle of the month, and then only for the preceding month.

I have been studying the terms of service with reference to the employment of operatives in the various mills in Bombay, and while they differ to a small extent amongst different mills, they are in principle mainly the same for all. I think it would not be unfair to say that the employer, while, of course, in the majority of cases the Manager of the Mill, is given power to use discretion in regard to their enforcement.

In the Jute Mill Industry of Bengal wages are paid to ordinary operatives weekly. This system has been in practice for some considerable time and it has been found to work satisfactorily both to employers and employed. I feel sure that it would be a great boon to the operatives, if wages could be paid fortnightly, even if it were not possible to adopt the practice in the Jute Mills in Bengal, and I sincerely trust, in view of what I have said in this letter, that your Association will give favourable consideration to this proposal."

That was the letter which was addressed by His Excellency the Governor of Bombay to Mr. Saklatvala. There was a reply from Mr. Saklatvala of the Millowners' Association,— he was at that time, I believe, the Chairman of the Millowners' Association—to His Excellency the Governor of Bombay. The reply says:

"In continuation of my letter of the 24th April, I have the pleasure to inform you that the Committee of my Association, to whom your letter of the 22nd ult. was referred, have approved of the principle of the fortnightly payment of wages. A detailed scheme is now being prepared and it will be necessary to place this before the Association for final sanction. We hope to have this meeting about the middle of June."

This was the position in May 1924. But later in September, 1924, the Chairman of the Millowners' Association informed His Excellency the Governor that his Association were unable to accept the proposition that wages should be paid on any other basis than the monthly basis. After having

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given a clear undertaking, the undertaking being this that the Committee itself were in thorough agreement with the principle of a fortnightly payment of wages, the Committee then wanted sanction from the larger group and when they did place the matter before the larger group they discovered that they had to go back entirely upon the opinions they had expressed previously. They say that they are not at all in agreement with any change in the system of payment of wages to workers and that they agree that the best system is the monthly payment system. The particular reasons they give are these. They say that the workers themselves are not in favour of the alternative principle. Now, in the whole body of these opinions there is no evidence whatsoever to prove that the workers themselves are against it except merely the statement made by the employers that the workers are not in agreement with this principle. Those Associations which have been directly consulted are, with one or two exceptions, in entire agreement with the principle. The Jamshedpur Labour Association, the Madras and Southern Mahratta Railway Employees' Association, they are all entirely in agreement

The Honourable Sir Charles Innes (Member for Commerce and Railways). What about the South Indian Railway Employees' Association? The Honourable Member said all were entirely in agreement. I find that there was not entire unanimity.

Mr. Chaman Lall: I am going to deal with that Association and the Burma Labour Association. The Labour Associations which have been consulted are in agreement with this principle except the Burma Labour Association and the Association which the Honourable Member mentions with which I am going to deal, and I am going to explain why that particular Union is not in agreement with the principle of my Bill. The Honourable Member will find, if he reads the statement carefully, that it is the opinion only of the Secretary and not of the Association itself. The Honourable Member has only got to read that statement. I do not accept the opinion of the Secretary unless he consults the Association as well. There is nothing on the record to show that the Association had been consulted, that the workers themselves are against the provisions of this Bill. It is the Secretary who, being a very ingenious person, probably a conservative in the labour movement, makes that statement and I am not prepared to accept it. I will deal with him in a minute. Here, we have, the opinion of Messrs. E. D. Sassoon and Company :

• "Messrs. E. D. Sassoon and Company stated that in 1912 they made an experiment of fortnightly payments in their mills but the attempt had to be given up owing to the opposition from the workpeople."

After three months' trial they had to stop it on a deputation of the workpeople approaching the management and informing them that the workers would strike if fortnightly payments were not stopped. Here, again, the question is this. The whole problem is very complicated. You will find that by "workers" they mean not the actual workers but probably only the jobbers in the various departments. The workers are controlled by the jobbers. At that time in 1912, if I am not wrong, there were really no unions of workers which could place their grievances before the employers. It was but to-day that I looked at the papers and found that during the Bombay municipal elections the workpeople voted with the employers because the employers sent their jobbers to them whose influence was

supreme. The workers are in the clutches of the jobbers, the jobbers lend them money, the jobbers control their lives, the jobbers control their movements, and it is not correct to say that the workpeople themselves are not in agreement with this system. Further, it is stated by the Millowners' Association:

"Fortnightly payment, if introduced, will in no way benefit good salary earners, say Rs. 50 and over per month, as they can meet their ordinary obligations without running into debt, and whether they get Rs. 25 fortnightly, or Rs. 50 monthly, would be immaterial to them."

The whole reply of the Millowners' Association relates not to the workers themselves but definitely to the better salaried workers. The average wages paid to the Bombay textile workers have been reckoned at Rs. 32-4-6, and if that is the average it is not covered by this statement, namely, the statement referring to those who are paid at the rate of Rs. 50 a month and over. The wages of large masses of workers in Bombay are less than Rs. 35 a month. It is for their sake, not for the sake of the jobbers, not for the sake of the highly paid officials, but for the sake of these people that I want the provisions of this Bill to be applied.

Now, let me come to the question of the opinion given by the Buckingham and Carnatic Mill Workers' Relief Committee. In Madras the Government could have easily consulted the opinion of the Buckingham and Carnatic Mill Union. They have not consulted that Union, but what they consult is a Welfare Committee. We know perfectly well what welfare committees are. They are usually run by very honourable, very intelligent and very honest (Mr. T. C. Goswami: "Pious"), and as my Honourable friend, Mr. Goswami says, very pious Y. M. C. A. workers. They work in alliance with the employers. Their funds are derived from the employers as in the case of the Nagpur Welfare Committee and the result is they cannot be expected to go against the interests of the employers. Whatever the employers say, they must accept. Whatever information they get they get mostly from the employers with the result that their opinions cannot be accepted by this House to be the opinions of the workers but merely the opinions either of the mill managers or the millowners. Therefore, I place absolutely no reliance whatsoever upon the statement at pages 29 and 30. Here we have a letter from the President of the Madras and Southern Mahratta Railway Employees Union at page 31. They pass a resolution in which they say:

"That this meeting supports the Weekly Payments Bill without daily rated system, that is, full pay for six days in a week including Government holidays."

Again, Sir, I congratulate the Calcutta High Court on the opinion they have given, I consider it a very honest opinion. They say:

"In reply, I am to say that the provisions of the Bill raise a question of policy upon which the Court does not desire to express an opinion."

It is a question of policy and it was but right and proper that the High Court should hold that they were not in a position to interfere with any question of policy. I wish the other High Courts had followed the same principle and not given their opinions in the manner in which they have given them because I find that some of them are very ignorant opinions, some of them are based upon so-called facts which do not exist. Here is the Commissioner of Coorg. He is so desirous of consulting the interests of the workers that he actually goes to an Association and consults them. May I draw the attention of the House to this particular Association? This Association was not an employees' association or a trade union, but the

[Mr. Chaman Lall.]

association he consults is the Coorg Landholders' Association. He goes further and he consults the Coorg Planters' Association and agrees with their views that the provisions of this Bill do not suit the local conditions in his province. Had he consulted the workers or the workers' association he would have had a different story to tell. The Bill is aimed at taking away certain powers and privileges which the employers have to-day and it is no good coming to this House and saying, "Here are these opinions which say, 'We do not agree with the provisions of this Bill' ". These opinions happen to be the opinions of the employers or their representatives, and not of the workers or their representatives. Now, Sir, there is the Joint Secretary of the Labour Association at Jamshedpur and the only objection that he has is given on page 40. The only objection that he has is this: that he does not want the privileges and advantages given to monthly paid labour to be taken away by the provisions of this Bill. I do hope that if this Bill is passed or if this Bill is put into force at some future date the privileges and advantages given to monthly paid labour will not be taken away under any circumstances. Barring that, the Jamshedpur Labour Association, a very powerful union, is entirely in favour of the provisions of this Bill. In passing, I may remark that there are a large number of unions throughout India which have informed the Government and which have informed me (some may not have informed the Government but have informed me), that they are in favour of the provisions of this Bill. I refer to only one or two of them, namely, the Nagpur Trade Union Congress Committee and the Punjab North Western Railway Union. They have expressed their opinions in resolutions passed by them at their meetings, and they are in entire agreement with the provisions of this Bill. Those opinions are not found in this White Paper, but that is no reason why Honourable Members should ignore those opinions. The opinions that Honourable Members will find in this White Paper are mostly those of Government officials or else of employers' associations. Here is one opinion which says that the "Bill is calculated to facilitate strikes and in my opinion should be rejected". This is the sort of opinion we have in this White Paper. Another gentleman says that in his opinion this Bill will create a minor revolution in the country. These are statements which are absolutely irrelevant, which have nothing to do with either the principles of the Bill or the objects with which this Bill has been brought into existence. As I have already said, the Chief Justice of the Allahabad High Court says: "I approve most heartily of the Bill". Justice Daniel says:

"It is difficult to speak of this Bill in terms of moderation. It is paternal government run mad and an absolutely unwarrantable interference not only with the trade but with the custom of the monthly pay which prevails almost universally in India."

Now Justice Daniel does not live in Calcutta. It is unfortunate that he does not live in Calcutta. If he had lived in Calcutta, he would have known that the Calcutta jute mills make payments on the weekly basis. If he had lived in Dhanbad or Jharia in the coal area, he would have found that payments in the coal area are made also on the weekly basis. The system of weekly payments is actually in existence in many parts of India and it is working very well. Nobody has ever said that the workers have complained in Calcutta or in the coal mines where payments are made on the weekly basis. These workers never want to go back to the monthly wage system. The reason is simply this. Wherever English capitalists have brought in their own English traditions with them they

have introduced the weekly system. It is a much more civilised system of payment than the system of a monthly wage. The jute mills in Calcutta are mostly owned by Europeans in this country. (*An Honourable Member*: "No.") Out of 76 mills I beg your leave to state 74 are in the hands of Europeans.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): That was not what you said.

Mr. Chaman Lall: Most of the jute mills in Calcutta are owned by Europeans. That was what I said. Honourable Members should not indulge in any hair-splitting about the word ownership. I do mean that they are controlled by managing agencies and that the managing agencies are in the hands of Europeans.

The Honourable Sir Basil Blackett (Finance Member): You mean something else than ownership.

Mr. Chaman Lall: It means complete control quite as complete as ownership. If the Honourable Member does not know that, he had better look up the constitution of the managing agencies of these mills. Now, here you find that these mills have introduced the weekly payment system. In the coal area also most of the colliery companies are owned by foreigners. They have also introduced this system and it is quite right that they should. I congratulate them for having introduced this system. But when you get back to Bombay you find that most of the mills are owned by Indians and there—if you like—is to be found "paternal government run mad". There they have introduced the monthly system and not only the monthly system. If I go and seek employment as a weaver in one of the mills in Bombay on the 1st of the month, I do not get payment of my wages until the 15th of the following month. Six weeks labour I have to give free to my employer. Now in the Ahmedabad mills, there are certain millowners who are philanthropists. They have introduced the system of fortnightly payments. Fortnightly payments are acceptable to the workers in the Ahmedabad mills. Is there any reason, are there any grounds given, why a fortnightly system should not also be acceptable to the millowners of Bombay? All that the employers say is that if you institute a fortnightly system or a weekly system, it will increase the clerical labour employed by the owners and that they would have to import a large number of clerks to look into their accounts. That, I submit, is a very inconsequential argument. It has really no force whatever. A mere addition of a few more clerks on the one side and the intense relief that you would give to the workers on the other are the two things that have got to be balanced. On the one side you would be attempting to get the workers out of the clutches of the money-lenders if you pay them firstly, promptly, and, secondly, on the weekly basis. The worker who comes from the mufussil usually has some money on him but it is not sufficient to last him throughout the month. It can last perhaps 6 or 7 days. If he gets his wages at the end of that period there is no necessity for him to resort to the money-lender but if he gets his wage six weeks after joining work then the natural result is that he must resort to the money-lender and borrow money at highly enhanced rates of interest. Are you trying to get the worker out of the clutches of the money-lender? If you are, I submit that one of the essential conditions for effecting that would be to introduce the system of weekly payments of wages to workers in the mill industry.

[Mr. Chaman Lall.]

Now, Sir, I have lastly to refer to a very valuable bulletin which has recently been issued by the Department over which the Honourable Sir Bhupendra Nath Mitra presides. I suspect my very able friend Mr. A. G. Clow had a hand in its production. If Honourable Members will refer to that pamphlet they will find that it is admitted that the most important exceptions to the rule of monthly payment is the system that prevails in the jute mills in Calcutta and in the cotton mills of Ahmedabad. Now one of the most important passages is on page 2 and that passage says :

"It is only natural that, as a general rule, the longer waiting periods should be associated with the longer periods of payment. Monthly wages are not paid so promptly as fortnightly wages, weekly wages are withheld for still shorter periods and daily wages are nearly always paid on the day on which they are earned or on the following day. In the majority of cases it is probably true to say that the waiting period lies between one-third and one-half of the period of payment, i.e., that monthly payments are normally made 10 to 15 days after the close of the month, fortnightly payments within 5 days to a week after the close of the fortnight and weekly payments in two to four days. This scale can at any rate be taken as indicating the average waiting period with a fair degree of accuracy."

Here is a horrible state of affairs. What right have the employers to utilise the labour of workers for a period of six or seven weeks before they make any payment. What right have they? Is it not the concern of the representatives of the people to see that justice is done to the workers and that they get their legitimate dues? This weapon is employed by the millowners of Bombay particularly, because they know that every time there is a strike in Bombay they can starve the workers to come back to work by the simple method of withholding their wages. I admit the force of the argument that the monthly system of payment facilitates strikes but I am not here to facilitate strikes. I would much rather see that there were no strikes in India at all. I am here to try and ameliorate the condition of the workers and if it can be done without a strike I would much rather resort to that method. Nevertheless, I would back them every time in their strikes for justice and fair wages. It is their only weapon against society as at present constituted. By this system of weekly payments you will get the workers out of the clutches of the money-lenders and relieve their poverty and their indebtedness. There is no force in the argument that we are trying to rob the workers of a weapon which they at present possess, namely, that if they are paid on the monthly rate, they can last out longer whenever they go on strike. I see no argument in that at all but even if there be any force in that argument. I am prepared to give up this weapon provided I can better the condition of the workers by getting them out of the clutches of the money-lender. Now, Sir, I have already stated that the opinions given by the Bombay Millowners' Association have changed considerably. Firstly they were in favour of fortnightly payments. Then all of a sudden, they changed over and gave a different version of the story. They then said there were difficulties in the way; the workers themselves did not want weekly payments. I challenge the Honourable Member opposite to take a referendum of the workers and see if they are not willing and desirous of accepting weekly instead of monthly payments. And the one argument that I would advance in favour of my statement is this, you actually have the system of weekly payments in India and wherever it is in vogue not a single complaint has been made by the workers themselves. There is no evidence either on record in this book or in any other document where the workers have said they did not want weekly payments where that system is actually

in force. And if that is so all this special pleading on behalf of employers and officials when they turn round and say, "Oh the workers themselves are not willing to accept weekly payments" can be turned down for what it is worth. Sir, it is the duty of the Government, it is the duty of the people to do something to relieve the great distress among the working classes and I call upon the Government, the employers and the representatives of the people assembled in this House to realise that one of the best ways of relieving the distress in my opinion would be to accept the provisions of this Bill. (Applause)

Mr. President: The question is:

"That the Bill to make provision for the weekly payment of wages to workmen, domestic servants and other employees, be referred to a Select Committee consisting of the Honourable Sir Bhupendra Nath Mitra, Mr. A. G. Clow, Sir Darcy Lindsay, Mr. T. C. Goswami, Lala Lajpat Rai, Mr. N. M. Joshi, Mr. C. S. Ranga Iyer, Mr. Devaki Prasad Sinha, Dr. S. K. Datta, Mr. K. C. Neogy, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Mr. Chaman Lall: May I have your permission, Sir, to add the name of Colonel Gidney?

Mr. President: And Colonel Gidney.

Sir Purshotamdas Thakurdas (Indian Merchants Chamber: Indian Commerce): Sir, in the absence of my colleague, Mr. Kasturbhai Lalbhai, who represents the millowners' interest in this House, it is my painful duty to rise at this stage to oppose the motion before the House. My Honourable friend, Sir, said at the conclusion of his speech that his motive in moving this Bill was to get the operative worker, the mill hand, and the labourer in India, out of the clutches of the money-lender. If he can prove by any argument and with the help of any of the opinions that have been now made available to this House that the measure that he wishes this House to consider will achieve the end even to a small degree, I should be most reluctant to oppose the motion under discussion. But, Sir, the opinions which we have now the benefit of all lead one to only one conclusion and that is that the measure which my Honourable friend seeks now to take one stage further before this House will not achieve that aim. I go further and say that my inference from what I have read of the opinions only lead to one conclusion and that is that it will conduce to more harassment of the labouring class for whose welfare the Honourable Member is so solicitous. The labour that is sought to be relieved is divided into three classes. Firstly, agricultural, secondly, industrial and thirdly domestic labour. My Honourable friend, Sir, has said very frankly that he proposes to leave out domestic labour from his Bill in the Select Committee. I do not wish to labour the last any further. I would have liked him to explain how the principle of the Bill affects the domestic labourer any the less than the other two classes and why he thinks that he is justified in giving up this class of labourer if he feels that the other two classes of labour will benefit as much as he has said to this House they will do. However, I will now deal, Sir, with the two other classes. Mr. Chaman Lall had nothing to say regarding how this measure is likely to affect the agricultural labourer. I will deal with it a little later. I wish at once to come to the very strong advocacy that Mr. Chaman Lall has put forward on behalf of the industrial labourer. I note that Mr. Chaman Lall had in that connection only one organization to complain against very

[Sir Purshotamdas Thakurdas.]

bitterly and that is the cotton millowners and mill agents of Bombay. I do not wish to quarrel with the opinion which Mr. Chaman Lall holds regarding that class of labour employer in India. Mr. Chaman Lall is quite welcome to his opinion about this class, but when he quoted His Excellency the Governor and his letter to the Chairman of the Millowners' Association I wish Mr. Chaman Lall had put before the House complete information regarding the grounds on which the Chairman of the Bombay Millowners' Association wrote his second letter in September, 1924, and communicated to His Excellency Sir Leslie Wilson that in the opinion of the Millowners' Association of Bombay it was not necessary to pursue the question of weekly wages any further. Mr. Chaman Lall has read pretty fully from His Excellency Sir Leslie Wilson's letter to Mr. Saklatvala dated the 22nd April, 1924. It is quite correct that Mr. Saklatvala on the 14th May, 1924, did write back to the Governor of Bombay saying that the question would be put before the Millowners' Association of Bombay at a general meeting. Mr. Chaman Lall thinks, in fact has said, that the millowners of Bombay after that avoided putting this question before a general meeting of their members and came to some other conclusion.

Mr. Chaman Lall: No, Sir, I never said that.

Sir Purshotamdas Thakurdas: I am pretty sure he said something to that effect. However, I am very glad if he did not say that. But the millowners of Bombay, Sir, wrote a very full letter on the 24th September, 1924, and came to the conclusion—I will read the concluding paragraph. They say:

“Under these circumstances Your Excellency will doubtless feel convinced that the only course left open to the millowners is the continuance of the present system of monthly payments since the workers themselves appear to be antagonistic to the introduction of any changes.”

Now, Sir, what were the circumstances which are referred to? I will now read a paragraph or two from Mr. Saklatvala's letter. Paragraph 4 says this:

“Replies have been received from practically all the mills in the city and island of Bombay and it appears that fortnightly payments were desired by the operatives of only two mills. The operatives of all the other mills expressed themselves as being in favour of the continuance of the present system of monthly payments.”

Mr. Chaman Lall: I challenge that statement.

Sir Purshotamdas Thakurdas: I note Mr. Chaman Lall would challenge that statement. I will give him another statement.

Mr. Chaman Lall: Give me proof.

Sir Purshotamdas Thakurdas:

“ For Your Excellency's information I summarise below the principal reasons advanced by the operatives against the introduction of fortnightly payments ”

I need not, Sir, read those. They are very fully given, but I would like very much to read paragraph 5 of Mr. Saklatvala's letter to the Governor.

“Messrs. E. D. Sassoon & Co. . . . ”

and they control a dozen mills:

"... stated that in 1912 they made an experiment of fortnightly payments in their mills but the attempt had to be given up owing to the opposition from the work people. I beg to reproduce below an extract from their letter which will no doubt interest Your Excellency:

'The majority of the workmen are apathetic but sullenly think that the scheme is some dodge of the Association to do them down. As you are aware in about 1912 we made an experiment of fortnightly payments, but after three months' trial we had to stop same on a deputation of the workpeople approaching the management and informing us that they would strike if fortnightly payments were not stopped, their argument then being that they lived monthly as far as their bills and credits were concerned and they wanted their pay monthly. Several of the workpeople advanced the view that if fortnightly payments are adopted, they would not be able to go to their country on the usual *exodus* that takes place about February, as they rely on the one month's pay and the month's *havalu* pay to provide the funds for the trip to their native village. This of course particularly holds good with reference to the Marathi element from the vicinity of Ratnagiri.

Our own opinion is in favour of fortnightly pay solely on the principle that it is wrong to hold a man's pay up so long, but in view of the opinion from all quarters—including the men themselves—we think it better to drop the same.'

This, Sir, is from a very respectable firm which controls about 12 mills. Here is another opinion:

"Messrs. W. H. Brady and Co. have in their Colaba Land and Mill Company an operative named D. R. Mayekar who is also editor of a vernacular paper called "*Kamkari*" and in the issues of the 21st and 28th June he dealt with the question at length and stated that the workpeople would resent the introduction of the fortnightly payment system."

Then, Sir, there is paragraph 7 in which Mr. Saklatvala says:

"I beg to give in an appendix to this letter extracts from the replies received from some of the other mills which will give Your Excellency an idea as to the prevailing trend of opinion among the operatives on this question."

These, Sir, are the reasons why it appears that the millowners of Bombay did not put the question before the general body and indicated to His Excellency the Governor that they thought it not only desirable but almost advisable in the interests of the workpeople to drop this question of weekly payments. Mr. Chaman Lall says that the Government of Bombay seem to have changed their opinion. After this correspondence the Government of Bombay addressed the Secretary in the Department of Industries and Labour of the Government of India on the 11th February, 1925. Mr. Chaman Lall has spoken with approval of His Excellency Sir Leslie Wilson's great solicitude to improve the condition of the industrial labourer in Bombay. What is the conclusion of His Excellency? I will read now from paragraph 23 on page 25 of the "Opinions" (Paper No. 1):

"The Governor in Council is therefore strongly of opinion that demand for such legislation should precede its introduction. It would be futile to place on the Statute-book an Act which is asked for by nobody, and will therefore remain a dead letter in the greater number of cases, and be used as an engine for blackmail and false accusations in the remainder."

These, Sir, are not the convictions of and conclusions arrived at by the millowners but by the Government of Bombay. I heard Mr. Chaman Lall say at one stage that he did not believe them. Will Mr. Chaman Lall believe the Labour Office of Bombay or not?

Mr. Chaman Lall: Of course not.

Sir Purshotamdas Thakurdas: He will not. What is it that Mr. Chaman Lall will believe? Let us have that clear. What is good enough for Mr. Chaman Lall?

Mr. Chaman Lall: Facts and figures.

Sir Purshotamdas Thakurdas: Here is the Labour Office giving the same reasoning. On page 20, Sir, the Labour Office reports as under:

"From inquiries made by the Labour Office Investigator at Ahmedabad it is found that both the employers and the workmen prefer the present system of payment. In fact, in some industries, e.g., the Cotton Mill Industry, a weekly system was in vogue some years ago but had to be discontinued for mutual benefit. The Secretary of the Labour Union is also of the same opinion and a number of workers who were questioned also expressed the same view."

Does Mr. Chaman Lall believe that?

"During personal investigations made in connection with this inquiry by Investigator II of the Labour Office, Bombay, several hundreds of workmen were interrogated in all classes of factories and workshops through the courtesy of employers and managers. In many cases the foremen of the different works visited were asked to ascertain the views of the workmen under them and in such cases it was possible to get the considered opinion of several types and classes of labourers. In all cases the employers and managers were also consulted . . .

In a few cases some workmen did show a preference for receiving their wages at more frequent intervals than they do at present. Most of these appeared to be of that frivolous type always anxious to spend their earnings as soon as received. The great majority—almost all of the workmen consulted—were definitely against any change from the present system of monthly payment and were inclined to the opinion that such a change was contemplated for the express object of worsening their condition.

To sum up, it is absolutely clear that the proposed measure is neither necessary nor demanded by either employers or employees. Probably one of the main apprehensions which have led the Bombay millhands to fear this change is the chance of the money-lenders making up accounts weekly if wages are paid weekly. This apprehension is probably well grounded. The money-lender would argue that interest at 1 anna per rupee per month is the same as 1 pice per rupee per week."

With this material, Sir, does it surprise either my friend, Mr. Chaman Lall or this House that the Government of Bombay could come to only one conclusion which I have just read out, and is there anything inconsistent? Or can you not say that in spite of the solicitude of His Excellency Sir Leslie Wilson and in spite of the anxiety that he evidenced in improving the condition of the workman in Bombay, he could not help coming to the conclusion that no change in the system of payment as in vogue at present was desirable in the interests of labour alone? It is easy, Sir, to criticize any set of people. But if only the point of view of other people is borne in mind, and if only one avoids imputing motives, it would be possible to come to a conclusion which would not be so much at variance with all the facts that are brought to one's notice. I have felt that if Mr. Chaman Lall at the time that he moved his motion that the Bill be referred for eliciting public opinion wanted some other bodies to be consulted besides those which the Government of India usually consult, if he had only named those to the Department concerned, I should have been very much surprised to learn that the Department avoided consulting those bodies. Mr. Chaman Lall appears to have taken no such step or precaution. He comes forward to-day and says that he refuses to believe many of the opinions, the usual sources from which opinions are elicited for the benefit of this House, and he asks this House to-day to pass over the substance of the vast majority of the opinions that are before us, and asks us to consider this Bill further. I feel that if Mr. Chaman Lall can make

out a case, he should propose that the Bill should be sent to a few more bodies or individuals as Mr Chaman Lall may name and which will satisfy him, and let us consider those opinions, but I feel that at this stage it would be futile for this House to proceed further with the consideration of this Bill

Now, Sir, one word more regarding agricultural labour I said in an early part of my remarks that Mr Chaman Lall had not a word to say about this part of labour May I draw the attention of the House, Sir, to page 18, where the Central Provinces Government in paragraph 5 of their letter say as under—

“To the third class will belong all ordinary agricultural labourers, the system of paying whom is subject to all sorts of variations. In the villages most farm servants are paid by the year or half year.”

Mr. Chaman Lall: You are talking of “pay”

Sir Purshotamdas Thakurdas: What else is it? It is agricultural labour, Sir, I am referring to

‘In the villages most farm servants are paid by the year or half year, and get much of their wages in kind in a lump payment at harvest. It would be an impossible revolution to change this system by an act of the legislature’

I would also refer, Sir, to page 5 where the Government of Burma has the following—

“More important than this, however, would be its application to agricultural labourers in Burma. These are almost invariably engaged for the ploughing season or the harvest season or both and are generally paid in terms of paddy at the harvest, taking advances in the meantime. The labourer, if unmarried, generally lives with, and is fed by, his employer. The effect of the Bill on such labour, if any attempt were made to enforce it, would be devastating.”

Does Mr Chaman Lall wish to include agricultural labour also? What has he to say to these remarks from two very important agricultural provinces in India? I am looking forward to Mr Chaman Lall's reply to this when he makes his remarks at the end of this debate

Sir, I do not wish to oppose anything which may improve the condition of labour in India. But I do feel that there should be no amateurist effort at this. Things have settled down after the experience of years, if not of decades. It is possible that some of these things require to be amended and to be changed. But, Sir, the change should not be such as will upset and completely revolutionise without any good effect the present system because I do believe that it is easy to disturb existing conditions but it may be much more difficult to bring about that organisation and that settlement which alone can make for the prosperity and happiness of these classes. I should be the last to oppose any measure which Mr Chaman Lall may bring forward for the improvement of the labouring classes, but I would strongly resist any experiment with those classes. Irrespective of any motives that may be attributed to a person who may have the misfortune or the good fortune to be connected with the class that is called “capitalist”, I would assert this, let us not play any experiments with the labouring classes, the welfare of whom everyone in this House has at heart. I feel, Sir, that I ought to oppose this motion at this stage.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, I have great pleasure in supporting the motion moved by my Honourable friend Mr Chaman Lall.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-
madan): Another poor man's friend!

Mr. N. M. Joshi: Perhaps Dr. Gour considers it to be a great shame to be a poor man's friend. Sir, apart from the evil of wages being very low in India, we have other evils as regards the wages, namely, the method of the payment of wages. In the first place, the wages are paid monthly instead of being paid weekly. That is one evil. In the second place, the actual payment of wages is deferred sometimes by three weeks, sometimes by two weeks and sometimes by a week after the payment becomes actually due.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): Usually two weeks.

Mr. N. M. Joshi: Then, Sir, there are other evils which are mentioned by Mr. Chaman Lall and endorsed by Sir Purshotamdas Thakurdas, although Sir Purshotamdas did not call them evils, namely, the payment of wages in kind. Some people are paid their wages in the form of grain if they produce grain. Some people who produce cigarettes may be paid in the form of cigarettes. This is an evil. There is also another evil in connection with the payment of wages, namely, the employers are allowed to deduct fines imposed by themselves upon the employees from the wages. Sir, the last two evils are not dealt with by Mr. Chaman Lall's Bill. Mr. Chaman Lall seeks to deal with two evils, namely, he does not want the payment of wages to extend over a period of one month but he wants the wages to be paid as soon as a week's wages become due. Secondly, his indirect object is also to limit the period of deferring the actual payment of wages to a period of one week. I have already stated that in some cases the actual payment is deferred sometimes by three weeks, sometimes by two weeks and sometimes by a week.

Sir, the Honourable Member who represents the Indian Merchants Chamber in this House, stated that if someone were to prove to him that the passing of Mr. Chaman Lall's Bill will reduce the indebtedness or prevent the indebtedness of the industrial workers, he for himself would support it. Sir, the only argument on which I support Mr. Chaman Lall's Bill is that it will prevent the indebtedness, or at least reduce the indebtedness, of the industrial workers in this country. (*Some Honourable Members:* "Question.") Some people question this. I hope, Sir, they will have the patience to hear me. I will narrate to this House what happens in a city like Bombay. A man comes from, say, one of the Konkan districts to Bombay. He takes up work in a factory. He works there for a month. Till then the wages are not paid. He works for two weeks more and after working in that factory for six weeks he gets his first payment of wages. Now, Sir, a man leaves his home in the Konkan and goes to Bombay not because he is a rich man but because he is a poor man. Perhaps he borrows some small amount of money in order to go to Bombay and when he comes to Bombay he finds that he has got to incur expenditure for six weeks before he gets even a pie as a reward for his work for that period. It is not very easy for a man to live in Bombay for six weeks without having any money with him. So, he has to borrow. He borrows some money, say, Rs. 25, in order that he should be able to defray his expenses for six weeks. If he borrows Rs. 25, the indebtedness begins. And what rate of interest does he pay? If he is

not known in Bombay and if he has got no friends, who will introduce him to some *banya*, he pays 4 annas for a rupee per mensem; that is, he pays interest at the rate of 300 per cent. per annum. If he borrows Rs. 25, he has got to pay Rs. 6 per mensem as interest. If he has got some introduction, he pays 2 annas per rupee per mensem, that is, he pays interest at the rate of Rs. 150 per cent. per annum. When he settles down for a year or two and when the *banya* knows him to be an honest man, the *banya* becomes very gracious and charges him only 75 per cent. Sir, this is the root cause of the indebtedness of the industrial workers in Bombay. I can assure my Honourable friend Sir Purshotamdas Thakurdas that in this matter I am not speaking as a mere amateur. I have spent 15 years of my life amongst the working classes in one city studying the problem of indebtedness of these people and trying to remedy indebtedness in whatever way one can do. I have spent at least 10 years in promoting the co-operative credit movement in the city of Bombay amongst the industrial workers and, if Sir Purshotamdas makes an inquiry from the Co-operative Department of the Government of India, he will learn that I have some experience in this matter. I can say, Sir, positively that one cause of the indebtedness, the main cause of the indebtedness, is the monthly system of payment of wages coupled with the system by which the payment of wages is deferred for two weeks. It used to be deferred for three weeks or even four weeks.

But the millowners of Bombay have been pleased now, after a strike, but not of their good-will, to rule that wages should not be deferred for more than two weeks after they become due, so that a man gets his wages at least after six weeks. This is the main cause of indebtedness. If you study the causes of indebtedness in Bombay you will find that on the average the indebtedness of industrial workers in Bombay is not less than Rs. 50. My own estimate is that the average indebtedness is Rs. 100 per individual, but I take the most conservative estimate that the average indebtedness per individual in Bombay is Rs. 50. If the average indebtedness is Rs. 50 and a debtor pays the lowest rate of interest charged at present, namely, Rs. 75 per cent., a man pays in interest alone Rs. 37 per year, at least Rs. 3 to Rs. 4 per month out of his wages in interest. Now, Sir Purshotamdas Thakurdas will not deny that the evil of indebtedness exists in the city of Bombay among industrial workers and if one studied the problem still further and tried to find out the root causes of indebtedness he would come to the conclusion that the main cause of this indebtedness is the long period for which the actual payment of wages is deferred. In the case of the working classes who are illiterate and ignorant it is found in many cases that if they get a large sum of money in their hands at the end of the month they spend some portion of it in drink and in some other vices which they may not spend to that extent if payments were made weekly and if they did not get a larger amount in their hands. That will be one way in which the money of the working classes will be spent much better and to that extent also indebtedness will be reduced.

Now, Sir, in regard to the question of indebtedness, you have also to remember this that this system of monthly payments forces a man to make his purchases on credit instead of for cash. A man gets his monthly pay and in about eight days' time he spends it. He generally pays almost the whole amount to the *banya*. The *banya* is his banker, though the amount does not go to his *banya* as part of his savings. The man owes

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such a large amount to the *banya* that he has to hand over his monthly wages to the *banya*, so after three or four days, at the most eight days, the man has nothing left with him. Then he goes on making his purchases on credit and you know when a man makes purchases on credit he loses double the money. The *banya* is no philanthropist. If a man makes purchases for cash the *banya* knows what to charge, but if the man makes purchases on credit the *banya* does not know what to charge, so he makes allowance in prices first. If a man purchases for cash he will get cheaper prices but if he makes purchases on credit he will have to pay higher prices. Then the *banya* will charge him interest on the sum given to him on credit, so the man loses in two ways. This system of purchasing things on credit will be done away with as soon as you begin to introduce the system of weekly payments, but if you continue the system of monthly payments, the system of purchasing things on credit will continue.

Now, Sir, in this matter also I have got some experience. In Bombay we tried to establish some co-operative stores for working class people and the experience was that the stores could not succeed simply because the men who were expected to make their purchases from the stores had no cash to purchase with. The first principle of co-operative stores is that purchases must be made for cash, but the people in Bombay who are paid monthly could not make cash purchases. They were accustomed to purchase on credit, and therefore in spite of all our efforts for the last ten years to start co-operative stores we have not succeeded in starting any stores in Bombay. This is an experience lasting over ten years' time, and I state it as one of my firm beliefs that co-operative stores will not succeed in Bombay as long as the monthly system of payments exists in that city.

Sir Purnhotandas Thakurdas: I am loath to interrupt the Honourable Member, but may I ask if the Government of Bombay were not thus advised by the Registrar of Co-operative Societies. This is an important aspect of the matter, and I hesitate to believe that the Government of Bombay were not advised by the Registrar of Co-operative Societies.

Mr. N. M. Joshi: I do not know whether the Government of Bombay ever consulted the Registrar of Co-operative Societies. They ought to have consulted him. I do feel that if I ever support this weekly payment I support it on one ground that the monthly system of payment encourages indebtedness, and not only encourages indebtedness but every effort to reduce indebtedness, to get rid of indebtedness fails on account of the monthly system of payments.

Sir, I would like to have a monthly system of payments on other grounds. Somebody has stated that Mr. Chaman Lal's weekly system of payments facilitates strikes. It is just the other way. The monthly system of payments is far better for strikes in Bombay, and I state this with my experience of several strikes in Bombay. I can tell you this, many of my friends in Europe simply wonder how we get on with strikes in Bombay for such a long time. They do not know that the real secret of Bombay strikes going on without having any organisation and money, is the monthly system of payments. Sir, if I had only cared for strikes, I would not have supported Mr. Chaman Lal's Bill; but, Sir, I feel that this monthly system of payment deteriorates the whole economic

position of the working classes in India. They suffer daily from this system and therefore, in spite of the fact that the monthly system of payment is good for strikes, I support this Bill because I feel that the indebtedness of industrial workers in India will be reduced to a great extent.

Sir, from the point of view of the employers who have six weeks' wages in their hands, the monthly system is a great advantage. If the employers have in their hands six weeks' wages naturally they have a certain hold over their workers. That is the reason why they want six weeks' wages to be kept in their hands.

Then, Sir, some people have made mention of the opinions of the workers themselves. I admit that there are some workers who, on account of their ignorance, on account of their illiteracy, do not understand the benefit of the weekly system of payment. They see the advantage of the monthly payment, but they do not see the disadvantage of the monthly payment. They are unable to strike a balance of the advantages and the disadvantages of the two systems

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadian Urban): Do they feel the disadvantages in their daily life?

Mr. N. M. Joshi: Oh, yes.

Diwan Bahadur T. Rangachariar: Then why do they not say it?

Mr. N. M. Joshi: Because, while people in India feel very much the necessity for having self-government in this country, and every one feels it, it is only the educated classes who make an agitation. The poor man may feel it, but he cannot explain why his miseries are caused or how they are caused. He cannot go to the root cause of his misery; he feels the misery and suffers from it, but unfortunately not having been educated he has not got the power to explain. If people know how to read the mind of the working class, they will know what they want, but unfortunately we do not know how to read the mind of the working class; we are not acquainted with them, we do not know them. I therefore think that we cannot make much of the argument that there are some workers who prefer the monthly system of payment to the weekly system of payment. And this is not the only case where the workers sometimes, on account of wrong notions, on account of ignorance, oppose a reform which is in their favour. I remember in England when they first introduced a measure to prohibit the employment of children, and when some of the leaders of the working class people supported that measure, those leaders were actually stoned by the workers. If my friend Mr. Chaman Lall addressed a meeting in Bombay, he might meet with the same fate to-day because the people have not yet realised why they suffer. They suffer from indebtedness and they simply feel it is the *banya* who robs them; they do not know it is not the *banya* who is the root cause, but that the root cause is the monthly system of payment. Sir, therefore we cannot take advantage of the ignorance of the working classes in two ways. First, these people suffer on account of the monthly system of payment and we cannot base our arguments for any change in the system on the ground that they do not want what is for their good. I know, Sir, there are some workers who also oppose it, believing that the weekly system of payment may deprive them of the benefits which they at present get from the monthly system of payment. On railways there are two classes of workers, the daily-rated workers and the monthly-rated workers.

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The monthly-rated workers have the advantage of a provident fund; they get longer leave and they also get certain other privileges which are not given to the daily-rated workers. The fear of the monthly-rated workers to-day is that if the weekly system of payment is introduced, they may lose these advantages, that is they may lose the advantage of a provident fund because to-day the advantage of a provident fund is only given to those people who are paid monthly and who are called monthly-rated men. Of course there is no connection between the payment being made every month and the provision for the provident fund, but unfortunately the poor people do not know these differences and therefore, in their ignorance, they fear that if a weekly system of payment is introduced, they may lose the advantage of the provident fund and other privileges. Sir, it is also said that the demand must come from the men; that the men do not demand it. There are many things which men do not demand, but we still provide them. Who provided the Indian Factories Act for the men? Was there much agitation in the country when the first Factory Act was introduced? I do not think so. We have had several things before any demand was made, and is it right, is it a wise policy to wait till the demand comes from the people who suffer? Is it not our duty to find out whether a particular system is good or bad and take measures, if the system is bad, to improve it, instead of waiting for some people to agitate and force you to take measures for reform? Therefore, Sir, it is not a sound argument that the Bombay Government have used, that there is no demand from any class of people. It is not wise for us to wait till that demand comes. If you want a demand, then certainly people like my friend Mr. Chaman Lal have to agitate. He has to introduce a Bill so that it can be circulated and people may know what the weekly system of payment is, and a demand may be created ultimately. But I do not think it is right for any Government to say that they will not adopt a measure of reform simply because there is no demand for it. I know, Sir, the Government of Bombay gave me a similar reply in another matter regarding the system of payment of wages, namely the deduction of fines from the wages. The Bombay Government told me that they would not stop this pernicious system unless there was a spontaneous demand. They thought a demand coming from me was not spontaneous. The poor working class people must agitate, must hold meetings, must go on strikes, then only will the Government move. I do not think, Sir, that this is a policy which any wise ruler will adopt.

Sir, much has been said about the agricultural classes. I do not wish to go into the problem of the agricultural classes because my friend Mr. Chaman Lal has already stated that if the Select Committee considers it proper to restrict the scope of the Bill to industrial workers, he will be quite pleased to accept any proposal like that. We on our part do not see much objection to the Bill being applied to larger sections of workers, but if the Select Committee comes to the conclusion that the Bill may be restricted to a smaller section of workers, the Select Committee will be at liberty to do so, but the principle of the Bill is absolutely sound and therefore must be accepted by this House.

Sir Willoughby Carey (Bengal: European): Sir, my objection to the motion for referring this Bill to a Select Committee is that I object to the principle of the Bill, which principle would be accepted by referring the

Bill to a Select Committee. It seeks to impose by law a very stringent and upsetting condition on many sections of labour, who, in spite of all that the Honourable Member has said, do not want it. As he has said, in Bengal much of the labour in the jute mills and in the mines does draw pay weekly, but not by any means entirely. A large number of the staffs and of superior labour drawing considerably less than Rs. 100 monthly are paid monthly. There are special reasons generally for those of the labour who draw their pay weekly. A good proportion of them are floating labour well suited by that method.

I congratulate the Honourable Member on his selection of evidence from the White Paper, but I think that he will admit there are at least as many points—I personally reckon more—quite as weighty on the other side. I think, Sir, he will believe that my experience, over a lengthy period, of labour in many industries is that in very few things labour is more quickly disturbed than by suggestions to alter well tried and long established customs of pay systems. A Bill of this kind cannot hope to meet the varied conditions to be met with in different parts of the country or the varied conditions under which the labour live. I see in the White Paper one suggestion which doubts whether central legislation at all is the right way of dealing with this subject. That I shall express no opinion upon, but at least it proves to me that a Bill of this kind is open to very great doubt as being at all the right method. I also very much doubt whether weekly payment of wages would really touch the subject of indebtedness. All employers of labour would of course welcome the saving of labour as much as possible from the hands of the money-lender, but the men who borrow because they are paid monthly would still borrow even if they were paid weekly. Even in Bengal, in the very places where these men are paid weekly, the *banya* is by no means unknown. In England his counterpart is also by no means unknown, and it is the weekly wage earner who is his best customer. Even if you pay the labour weekly the improvident man will still be improvident. I think the same thing also applies to credit purchases. I see here in this same bulletin to which the Honourable Member has referred that in a great number of cases relief is afforded by the system of advances, where wages are paid at longer periods than by the week. I may say that that is not unknown also to us in Bengal, and it is a reasonable method by which we assist the labour not only with their own personal expenses but also with their purchases, and food, clothing, and so forth. Therefore I do not think the system of weekly payments would really be nearly as advantageous as it is held out to be. I think there would be, in spite of what my friend Mr. Joshi has said, a very distinct effect on the provident fund question. I think there would not be the same attraction to the weekly wage earner to belong to Provident Funds as there is to be monthly wage earner, because the sums which he would save in the provident fund would seem so small to him. Also in the case of your weekly wage earner there is very little security that he will remain long enough to make the Provident Fund worth while. His temptation to depart from you is much greater than the man's who is a steady monthly wage earner. Such changes as that proposed by this Bill cannot I am sure be well imposed by law. Any wise and enlightened employer in these days will suit his methods to his labour and I do not believe that this Bill would at all assist either employers or labour to settle the question. Therefore, Sir, I beg to oppose the motion.

Mr. Gaya Prasad Singh (Tirhut Division: Non-Muhammadian): Sir, I have no desire to attempt to arrest the further progress of the Bill at this early stage; but there are just one or two observations which I should like to make before the Bill is committed to a Select Committee, if it goes there at all. I am glad, Sir, that my Honourable friend Mr. Chaman Lal has himself recognised the drafting imperfections of the Bill which he says he will remedy in the committee stage. I am also glad that he recognises that by including domestic servants within the purview of the Bill he has gone too far, and that he is going to exclude them, if I understand him correctly, from the scope of the Bill. Apart from that I find, Sir, that the Bill is still open to certain serious objections. Sub-clause (4) of clause 1 of the Bill says that it applies "to all employees in Government or private service establishments"; and "to all skilled or unskilled workers or employees wheresoever employed, provided that such workers or employees are in receipt of wages which in total amount to less than Rs. 100 per month". This includes all Government servants as well as servants in private employ getting a salary of less than Rs. 100 per month. We have, Sir, in our part of the country a lot of such private servants, for instance, *gomastas*, *patwaris*, *tahsildars* and others whose pay is certainly less than Rs. 100 per month. Some of them have to give cash or landed securities for their service, as they have to handle money, and if the Bill is made to apply to them it will be very difficult for them, and it will be practically unworkable. Besides, the objections to which this Bill is open if it is applied to Government servants have been set out clearly in some of the opinions to be found in the White Paper. I will just read out one extract from page 40

"It is perhaps unnecessary to dilate upon the difficulties of weekly payment in the services under Government. A large subordinate staff is scattered throughout the district whose pay is disbursed from headquarters or sub-divisional treasuries. Sometimes, as in the case of police-stations, it is sent out in cash, sometimes as in the case of teachers in primary schools, it is sent by money order. In addition to the extra accounting involved, there is the cost of the money orders and the increased demand on the police for escorts to be considered. Against this there is no compensating advantage to be set off."

Besides, there will be no guarantee for continuity of service, and this will introduce a serious element of uncertainty in the relations between the employer and the employee.

. Then, again, Sir, the Bill, as it stands at present, brings within its scope agricultural labour. Now, we have a lot of agricultural labour in the province of Bihar and Orissa, and sometimes this labour is not paid weekly or monthly but by the season; sometimes they are paid in kind, and that depends upon the vagaries of the season. I shall read out the opinion of the Bihar and Orissa Government on this point. They say at page 89:

"As regards agricultural labour the measure would in practice be unenforceable, and would remain a dead letter. These wages are governed by immemorial custom, and are paid sometimes in cash, sometimes in kind, sometimes by a portion of the crop harvested, sometimes by service jagirs. If it were possible to impose on the cultivator an obligation to pay a weekly cash wage, it would ruin many of them by delivering them into the hands of the money-lender, while it is at least doubtful whether the currency of the country would be sufficient to meet the demand. There are undoubtedly evils connected with agricultural labour which still exist in spite of the attempt to remedy them by legislation, such as Kamiauti labour, or work obtained from tenants as a predial condition of their holdings."

Then on page 37 this is what the Deputy Commissioner, Assam, says in regard to agricultural labour:

"At present these are paid by the day, or week, or month or season. They usually take an advance which has to be worked off. Some of them get payment partly in kind after the harvest is reaped. A law prescribing weekly payments in such cases is out of the question. The same observation would, for a similar reason, apply to contractor's coolies."

My Honourable friend Mr. Joshi in the course of his speech has said that monthly payment is bad, and that agricultural indebtedness is due to that; and therefore, he says, although there may be no demand from the labourers, we must introduce weekly payments. But this is just begging the question. He has first to prove that weekly payments are a panacea for the evils of which he complains. It might have some advantages in certain cases; but I do not think that weekly payments will touch even the fringe of the question of agricultural indebtedness.

Then, Sir, my friend, the Honourable the Mover of the Bill has said that all the employers are against this Bill, and that labourers' associations are in favour of it. In reply I refer to the proceedings of the South Indian Railway Labour Union of Negapatam, in which resolutions were passed opposing Mr. Chaman Lal's Bill for the introduction of payment to labourers drawing less than Rs. 100 as wages per mensem on a weekly basis. Then, again, at page 8 of this White Paper is given the opinion of the Burma Labour Association. This is the resolution:

"This public meeting of labourers of Rangoon strongly protests against the Weekly Wages Bill which has been introduced in the Indian Legislative Assembly by Diwan Chaman Lal as it is not applicable to the labourers here on the following grounds:

- (a) cases of irregular payments in Burma are very few in comparison with other provinces in India as the number of such payments do not exceed ten per cent.;
- (b) it will give indulgence to excessive drinking and other superfluous expenses, four times a month in place of once.
- (c) No substantial amount will be saved at the end of each month from the poor wages of workmen for the provision of their families at home."

Then, I will read from page 30 the opinion of the Madras Labour Union. This is what it says:

"As regards the other Bill, the labourers appreciate the advantages of a weekly system of payment, but at the same time they consider that in the present circumstances it has certain disadvantages also, the chief of which is that they have to wait for long periods of time at the Pay Office of the Mills in order to receive payment, and that instead of waiting there once a month they will have to wait four times a month, losing their hard won leisure."

Sir, the objections to which this Bill is open have been very clearly set forth in the letter of the Industrial Surveyor, Delhi, to the Deputy Commissioner, Delhi, dated the 8th December, 1924, I am tempted to read out this quotation from page 4:

"The reasons advanced are:

- (a) That at present workmen being paid monthly and subject to monthly notice, are kept on during periods of depression in anticipation of the improvement of conditions before a notice to terminate their services is given. Under the proposed alteration, all workmen would be weekly employees and this is believed to give rise to a tendency on the part of a majority of employers to dismiss surplus labour as soon as slack times are indicated. Thus a part of unskilled labour would be thrown out of employment for a time during the year instead of receiving constant employment under the existing system of payment.

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- (b) That under the existing arrangements, it is more or less customary to observe the pay-day as a factory holiday. The proposed system of payment would cause extra expenses which is considered to be so great as to be prohibitive out of all probability to pay the labour in the factory hours. The workmen will thus lose one day out of every working week.
- (c) That a large number of factories have Provident Funds for the benefit of their labour. These Provident Funds will have to be discontinued by most of them as under the proposed scheme it would entail enormous extra clerical work.
- (d) That under the present arrangements, most of the labour are employed on one month's notice of dismissal which usually enables them to secure other employment before the termination of their previous job. If the Bill is brought into force it follows that the notice of dismissal will have to be shortened to that of six days and in most cases this will keep them out of employment for a time.
- (e) That it is open to question whether the payment of weekly wages will achieve the object for which the Bill is intended as the majority of Indian workmen are not gifted with the ability to effect saving and that there is a grave danger that the wages earned weekly may not be sufficient for the purchase of necessities of the worker's household."

(An Honourable Member: "Why do you make these long quotations?") My friend, the Mover, was quoting the opinions in his favour; I am quoting the opinions against him.

Mr. B. Das (Orissa Division: Non-Muhammadan): Leave a portion for Government to read from.

Mr. Gaya Prasad Singh: I will just read out one sentence.

Mr. President: The printed paper is in front of every Honourable Member, and the Honourable Member should not read long quotations from that paper.

Mr. Gaya Prasad Singh: Sir, I thought I was following the example of my Honourable friend Mr. Chaman Lal when he was allowed to make long quotations from that very paper. But since you have ruled it out of order, I would make no more quotations, but would simply say this. The expressions which my Honourable friend Mr. Chaman Lal has used in the Statement of Objects and Reasons are rather severe and hardly appropriate when applied to the conditions obtaining in the country as a whole. There might be a few cases of "unscrupulous employers," but my Honourable friend has said that the evil was a "scandal." The Government of Bihar and Orissa point out that the use of such expressions has in some measure served to prejudice the fair discussion of the question. I may not agree with that view; but I feel that the Bill has not been drawn up in that impartial frame of mind which ought to be brought to bear upon a Bill of this character. This Bill will have to be further altered, lock, stock and barrel, before it can be a useful piece of legislation, and be acceptable to this House or the people. If the Bill were to go to a Select Committee, all these points should be carefully considered.

Mr. E. S. Rofey (Assam: European): Sir, I rise to oppose this motion. Using Mr. Joshi's words I think that I can claim that I am not an amateur in respect of labour conditions in Assam. Unlike my predecessor, Mr. Chalmers, I am not a tea planter, but I have been a solicitor in the Assam Valley of the Province of Assam for the last 23 years, living in the midst of tea gardens and acting for very many of the tea companies and proprietors. I have for the last 14 years been and am now the Secretary of the Assam Branch Indian Tea

Association, and as such Secretary, I have during that period had to consider labour conditions and the thousand and one other matters that come before the Association which affect the tea industry. Now Sir, that Branch has a membership area of about $\frac{1}{2}$ million acres and a labour force of just under one and a half millions. As Secretary I obtained the opinions of my members on this particular Bill and that opinion is summarised in my letter which is included in this White Book and with your leave I propose to read that letter to the House. I may say that it places I think very shortly the views, at any rate, of the members of the Assam Branch of the Tea Association and I will read it to the House:

"I am to inform you, my Association are very strongly opposed to the Bill on the ground it is neither necessary nor suitable for labour employed in the Tea Industry.

The system of payment of such labour differs considerably throughout this Province and consists of daily, weekly, or fortnightly payment in respect of 'tica', or what might be termed 'overtime' work, and of monthly payments in respect of the monthly wage. As 'tica' work is always available and undertaken it follows that tea garden labour does not have to wait for pay earned for anything like the period mentioned in the Bill, which it is admitted has been introduced for the purpose of relieving alleged hardships suffered by the labour working in cotton mills."

The most extraordinary part of the Honourable Member's statement in moving this motion is this. He does not appear, so far as I have been able to gather, to refer to the tea industry at all. His great point is, he gives the opinion of what he calls the most important Government, namely, Bombay. Now, Sir, as far as I know, the labour employed by the cotton mills of Bombay totals 1,84,000 or thereabouts, whereas, in the tea industry the Local Government of Assam look after upwards of a million.

Mr. B. Das: Do the Assam Government look after them?

Mr. E. S. Roffey: I submit they do.

Mr. B. Das: I do not agree.

Mr. E. S. Roffey: To continue this letter:

"Apart from this fact in practically every tea concern one month's rice ration as available to every coolie on application at a figure which is never over and is generally much under cost price.

In so far as the payment of the monthly wage is concerned there are many castes who absolutely decline to receive it otherwise than monthly. The payment thereof has in some concerns been attempted weekly, or fortnightly and has been resented to such an extent as to result in strikes and riots and the consequent resumption to the monthly payment, which is made on any date between the 1st and the 15th of the month succeeding that in which it is earned. I am to inform you this Association are now strongly advising members to expedite the payment of such wage as much as possible and in any case to make it prior to the 10th of each month."

Now, Sir, another very large employer of labour in Assam is the Assam Railways and Trading Company, Limited, whose agent and general manager is Mr. Joseph. When I tell the Honourable the Mover that Mr. Joseph was up to about two years ago a senior member of the Civil Service of his own province I am quite sure that he will agree that his opinion ought to carry some considerable weight. Now, I am not going to read his letter which is in the White Book. He places four points before the Local Government stating his objections. The first is that weekly payments mean the preparation, checking and auditing of bills four times a month instead of once. The second is clerks and workmen are paid during working hours which means the loss of service for four hours once a month. Thirdly, it is a common practice for labour to be

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absent for at least one day after pay day and that the loss of efficiency in this respect is considerable. Lastly, weekly payments will not induce thrift as the man who feels that he will be paid again in seven days' time is not likely to economise in the intervening days.

Now, Sir, having received the opinions of the residents of Assam, the Local Government states this:

"The Bill as it stands has hardly found a friend. It is recognised that there may be a case for such legislation in areas where there are large factories and where the labourers live in important industrial centres and have doubtless weekly liabilities to meet but the Governor in Council considers the Bill quite unsuitable for Assam where there are no such centres."

Is not the opinion of the Local Government who have to look after the labourers worthy of acceptance by this House? I submit that they are the sole people in that province who are capable of knowing the conditions throughout the province. The Local Government go on further to say with reference to the Tea Association's opinion:

"No obvious reason can be advanced for this difference but experience has shown that the system actually in force is the one which commends itself to the labourers on any garden and His Excellency in Council holds that it would be a complete mistake to enact and enforce any one uniform system. It is fairly certain that if the workers on a garden want their wages weekly or fortnightly they will get them."

Now, with regard to that last remark, I would simply refer the Honourable the Mover to this point. I do not know whether he knows, but if he does not, I would inform him that having regard to the enormous expense that employers now have to pay for the importation of their labour, it would be crass stupidity on their part if they did not practically pamper them as they do. Now, Sir, the Honourable the Mover in introducing the Bill in September last, gave two reasons therefor. The first was that industrial workers had to live one month on credit, having to borrow large sums of money from money-lenders at exorbitant rates of interest and the second was with regard to the Bombay mill strikes. I have shown that the tea industry does not come under either of those heads. They receive weekly ticca payments and advances of rice and therefore they are perfectly capable of supporting themselves during the month till their monthly wage is paid. All I put to the Honourable Mover now is that labour at the present time there is in a settled state. According to the last emigration report the wages have increased considerably and I put it to him that when labour is in that settled state it is not fair to press on them legislation which they neither ask for nor which is required.

Lala Lajpat Rai (Jullundur Division: Non-Muhammadan): Sir, I had

1 P.M. no intention of intervening in this debate but the remarks that came from my friend Sir Purshotamdas Thakurdas have induced me to speak. During the last part of his speech I was thinking whether those remarks should not have come from the official Benches rather than from the Bench which my friend occupies. If we were to accept his arguments about amateurish experiments or about the non-desirability of disturbing existing conditions or long-established customs, I think all those arguments which are advanced by the bureaucracy for not making political and economic changes in this country would be considered to be perfectly cogent and practically unanswerable. I impute no motives to my friend. I admit that he is actuated by the best of motives and he is as

anxious for the amelioration of the condition of workers as any one else on those Benches. I quite accept that. But there are two factors which affect the mentality of every individual and which perhaps my friend omitted to consider. They are habit and something which is called class bias. I do not charge him with any other motive. I am of opinion that most of the arguments that have been advanced in this debate in opposition to this Bill are of this nature and are not weighty. They should not affect the opinion of this House when it proceeds to decide the fate of this Bill. I am also of opinion, Sir, that the arguments based on the opinions of the workers themselves, are equally devoid of weight. We are quite familiar in this House with the way in which such opinions are obtained and readily put in the various Blue-Books and White Books issued by the Government. We are quite familiar with such opinions. They are to be found in abundance in the Blue Books that have been issued in connection with the constitutional question, and I think they ought to carry no weight. The only thing which this House should consider is whether the principle of the Bill is just and whether it will improve the conditions of the workers. I beg to submit that from both these considerations the Bill is a proper Bill to be considered by a Select Committee. The workers in this country are under a great handicap by this monthly system. They are practically at the mercy of the employers. We on this side of the House, who have often to speak on behalf of the workers, are at a great disadvantage because almost all the Honourable Members of this House are employers of labour, and they are to a certain extent, if not wholly, carried away by their own interests, their prejudices or habits, in judging Bills of this kind, and that is very natural. I do not blame them for it. It is just human nature. I consider that the system of monthly payments is a very pernicious system and the workers are very much at the mercy of the employer through this system. Much has been made of the monthly system because of the liability of a month's notice on either side. Well, Sir, I know by personal experience that this system of a month's notice, it may be in force in Government offices or in other offices where particular classes of workers are employed, is not ordinarily observed in factories or by private employers. I know by experience that employers do dispense with the services of workmen quite readily without giving them either a month's wages or a month's notice, and the workmen on account of their poverty and inexperience have no redress against the employer. You can only put down that system by adopting the principle of this Bill. Whether this Bill should be applied to domestic servants, and agricultural labourers or confined only to industrial workers are matters which can be examined in the Select Committee. The disabilities that have been pointed out, and the facts that have been relied upon by my friend Mr. Joshi are so cogent and important that I will beg of this House not to reject this Bill at this stage. No harm will be done by going into the entire Bill in the Select Committee and taking further opinions if necessary, and working out all the details so that the whole question may be thrashed out and laid before the House with the Report of the Select Committee. Perhaps the Select Committee might come to the conclusion that it should be confined only to a certain class of workers. Perhaps it may come to the conclusion that it is premature. But it should not be rejected at this stage. Otherwise I think there would be ample ground for saying that the classes of employers which are represented in this House have only taken into consideration their own interests and not the interests of the workers.

[Lala Lajpat Rai.]

Much has been made of the system of payment in kind to the agricultural labourer in several provinces. Well, Sir, I think the system of payment in kind is a vicious system whether in agriculture or in industries. (*An Honourable Member*: "Why?") In most cases it forces the workman to sell the share that he gets either of the agricultural produce or of the industrial produce at much cheaper rates than prevail in the bazaar. (*An Honourable Member*: "No, no.") I know it as a fact. You say, "No." My experience is otherwise, and I am entitled to state my experience. I know that in the case of tenants, for example, when the tenants are paid in kind, they are often forced by circumstances to go and sell their wages which they receive in kind at much cheaper rates than prevail in the bazaar. It is the same with regard to the system of land revenue also. Small peasants who have no capital to fall back upon are, on account of this rigorous system of payments of land revenue in cash at stated times, forced to sell their produce to the first bidder, to the man who comes first and wants to advance the money; or they have to go to the money-lender, which is a worse remedy than the other. I have also learnt that in several parts of the country even industrial wages in small factories are paid in kind by a share of the goods which the workers have helped in producing, i.e., by a share of the manufactured goods. I learnt this only recently in Burma a province to which reference has been made by several Members. The result is that they have to go to the bazaars and sell their goods very very cheaply, to their detriment, because they have not the resources at their command which the ordinary seller, either retailer or wholesaler, has got. They have got no organization at their back.

Diwan Bahadur T. Rangachariar: What about foodgrains?

Lala Lajpat Rai: They are exactly in the same category. They require a certain amount for consumption at home, but they cannot afford to keep even that quantity for the whole year or for the rest of the season. They have to sell a part at least of that quantity for other purposes, for purchasing cloth, for purchasing implements of agriculture and other requirements of domestic life. They are thus very much handicapped by this system of payment in kind. Therefore the system of payment in kind is not such a one that this House or the Members of this House ought to encourage or ought to perpetuate in this country.

I think if the system of payment in kind is objectionable from the Government point of view and the employers' point of view in certain cases, it is more objectionable from the point of view of the employee or the worker, and therefore the principle of this Bill, so far as that point is concerned, is perfectly sound. I can well understand the disinclination to disturb the existing condition of things, but my friends ought to know that we are in for disturbing the existing conditions in more ways than one. Why should they hesitate to disturb existing conditions when that disturbance is in favour of the workers, if they have no hesitation in disturbing existing conditions in other respects? I think the condition of the worker requires very careful watching by the Honourable Members of this House because the workers are not directly represented here; and the Government itself, being a large employer of labour, is not so disinterested as it otherwise ought to be. The tendency is that in respect of particular conditions of labour the Government is very anxious to alter them, but in respect of others it is not. We are often lectured upon the

conditions, the disastrous conditions and miserable conditions of labour that prevail in Bombay or at Nagpur. We have often heard such remarks both in the Press and in the Legislative Chambers. But when it comes to the real improvement of the conditions of labour improvements which do not bring them into competition with labour in other countries, then we find that the alacrity for improvement disappears. I beg of all the Honourable Members of this House, once more, to remember that they are the trusted guardians of the interests of workers in this country and they should lay aside all prejudices, all class bias or their personal interests in considering measure affecting workers. By personal interest I do not mean necessarily the interest of each individual, but include in that category the interests of their class. Labour has no direct representatives in the Legislature and we are the only guardians of their interests. Those interests apply to many departments of life and in judging of a proposal like this we ought to be broadminded and should absolutely divest ourselves of all kinds of bias and all kinds of prejudice. If we do so, we shall find that the proposition is not so absurd or so premature or so entirely uncalled for as some Honourable Members think it to be. It requires investigation. Perhaps we cannot apply it wholesale to all kinds of labour. We may be able to apply it only in certain provinces and to certain kinds of labour. All these things can be threshed out in the Select Committee. But to reject the Bill on the ground that it is entirely premature or that it is not wanted by the labouring classes themselves or by the employers or the Chambers of Commerce, will not, I think, be proper.

I may say one word more on this question, Sir. The very insistence of the employers on the rejection of the Bill makes me suspicious, that the Bill must be something really desirable and good from the workers' point of view.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): It is a bad habit.

Lala Lajpat Rai: It may be a bad habit, but it is a habit which I find Honourable Members are very much accustomed to. In any case it is a convenient habit. And, if my friends are right in thinking that because a certain proposition is opposed by certain interests therefore it must be good, I think I am also entitled to take advantage of that habit and say that, because labour employers are so much against this Bill and they are all united in demanding its rejection, therefore there is something in the principle of this Bill which must be good for the workers. I, therefore, beg to submit that the Bill is not so bad either in principle or from the point of view of its desirability that it ought to be rejected at this stage.

Diwan Bahadur T. Rangachariar: Sir, the remarks of my Honourable friend, Lala Lajpat Rai, must have opened the eyes of the Assembly to the revolutionary character of the measure now before the House. My Honourable friend the Mover of this Bill did not claim so much merit for his Bill as my Honourable friend Lala Lajpat Rai claims for it. He will revolutionise the whole system of agricultural labour in this land. He does not believe in payment in kind. He thinks it is vicious in principle and mischievous in practice. Is this House going to lend its support to a measure which is going to open up such large and revolutionary

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issues? Sir, on perusing this Bill I asked myself—how will it affect me as a small landholder in the Tanjore district and how will it affect the customs and traditions which we hold sacred? (*An Honourable Member*: “You are a big landholder.”) You may call me big, but I consider myself to be a small landholder. Sir, I have got a manager, an accountant, and some other petty servants not employed actually in agricultural labour. I have also got agricultural labourers, both casual and permanent. I receive my income only twice a year from what is called the Kar crop and the Samba crop. I pay my manager in kind at the rate of 100 *kalams* per annum, plus a certain amount of money, and similarly in the case of lower grades, the watchmen and other people, I pay them in kind. They are glad to take the things in kind, and they store them for the year, and if Lala Lajpat Rai’s suggestion is to take effect and I am to calculate the value in money, Sir, the price of the paddy varies violently from the time of the harvest to the time of scarcity, so if I am to calculate their wages in money at 100 *kalams* per annum I would be tempted to calculate at the lowest price. Now when the crops are plentiful and paddy sells at Rs. 2 per *kalam*, I store my paddy and sell it at Rs. 3/12 to Rs. 4. Now if I make a money calculation and pay my farm manager at Rs. 2 a *kalam* he would get only Rs. 200 whereas if he got payment in kind he would store the paddy. If he got paid in money how would he buy his food with the price of grain at Rs. 3 and Rs. 4 per *kalam*? So that it would be far from doing any good, whereas by paying him in kind his food supply is assured for the year. I do think that the bulk of the population in our land will not welcome the change proposed by my Honourable friend. I thought Mr. Joshi who spoke in support of the measure was prepared, with the support of Mr. Chaman Lal, to drop agriculture, but my friend Lala Lajpat Rai will not allow that to be done. Therefore I scent danger in this Bill, I scent mischief in this Bill so far as labourers are concerned. As regards clause 4, sub-clauses (ii) and (iii) say:

“(ii) to all employees in Government or private service establishments; and

(iii) to all skilled or unskilled workers or employees wheresoever employed, etc.”

Those are the two classes of people mentioned, and I am positively of opinion with the limit of knowledge I have of the conditions of life which these people are in that it will be positively mischievous to introduce it. Look at it from one aspect which has not been emphasized. I know clerks, teachers and others getting Rs. 100 per mensem pay their rent monthly. Now, Sir, supposing you introduce a weekly system. You will introduce a weekly rental system. Now what is the effect? I will positively benefit by this system being introduced. Whereas I am able to let my houses in Madras on a monthly basis on a lower rent, if I am now able, as in the Xmas or fair season to let them by the week or fortnight, I can get probably six months’ rent when I adopt that course. So that when you introduce the weekly system, the weekly rental system will also follow, and the weekly rental system means that a man has to pay more rent. For instance, Rs. 10 is all right, but if you divide the amount by four and make it Rs. 2/8 or Rs. 3, it sounds so small. So that if you make it even daily there will be a tendency on the part of the landlords—the landlords, I am one of them, are always exacting and want to make as much as they can—will be tempted to put up rents. I speak

from experience of these matters, having been on the Madras Corporation for many years. For one rupee put on the rates, what does the landlord do? He puts Rs. 3 on the tenant. (*An Honourable Member*: "Shame!") It may be a shame, but that is done; I have done it myself, and you wish to give a new advantage to the landlord. The persons whom you want to benefit will suffer, I am sure they are bound to suffer. What is the necessity for it? My Honourable friend, Lala Lajpat Rai, has been connected with the Indian National Congress for many years. Did the Congress ever take up this question? When did Lala Lajpat Rai discover this great mischief underlying this monthly payment system? He discovered it after my youthful friend Mr. Chaman Lall, for whom I have an affectionate regard. Sir, the very fact that no popular assembly in this country composed of eminent lawyers like Lala Lajpat Rai ever discovered it proves conclusively that this has not been an evil. On the other hand, as I said already, it is positively mischievous so far as concerns classes of people dealt with in clauses (ii) and (iii). I am doubtful of the utility of the measure as regards industrial workers for the reasons I have already mentioned. These industrial labourers in Madras take a room and pay 12 annas a month or one rupee a month for the room, or Rs. 1/4, but if you introduce the weekly rental system, I am sure they will have to pay twice the rent they now have to pay. Or take the *dhobi* who is paid by the month. Suppose you introduce the weekly payment system for the *dhobi*. (*An Honourable Member*: "He takes payment by the hundred.") No, we pay them by the month also.

Lala Lajpat Rai: I pity the poor *dhobi*.

Diwan Bahadur T. Rangachariar: You may pity the poor *dhobi*, but that is the existing condition. Pity does not bring in money. The worker has to meet his bill for necessities; you do not provide more money to be paid for these things. And probably it may have another effect. In the case of clerks who are paid only small salaries, if you make their payment weekly, what will they say? Calculated by the week, say Rs. 8 or Rs. 10, it sounds so small, and they will say why not make it Rs. 12, and the employers will suffer. You will be revolutionising the whole system here. It applies to all classes of employees. The trend of the discussion hitherto has been as if it was a question merely between the Bombay capitalist and the Bombay labourer. It is not so at all. I want the House to realise this is a measure which applies to the whole of British India. It applies to the agricultural population; it applies to every sort of service, not merely labour and capital; it applies to the railway service, to district board service, local service, municipal service, private service; everywhere where you have to pay people less than Rs. 100 a month. It is a revolutionary measure; it is a large measure. The consequences produced by this measure will be so mischievous in my view that, with all respect to my leader, Lala Lajpat Rai, I have no hesitation in recording my vote against it. I ask the House to reject the measure.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, the fundamental principle of the Bill in regard to which a motion is now before the House is the weekly payment of wages, i.e., payment on weekly basis. That is clearly brought out by the Title and the Preamble of the Bill. The position at present, as will appear from the "Bulletin on the Periods of Wage Payment" recently issued by my Department, is that

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wages are paid on a monthly, fortnightly or weekly basis according to arrangements made between employers and employees. It is proposed in the Bill before us to abolish this freedom of contract between the employer and the workman and to substitute for it a compulsory system of weekly payment of wages. That, Sir, is the principle of the Bill.

Speaking in this House on the 30th September, 1925, I said that it was not fair to ask this House to deal with this Bill until it was fully satisfied that the need for the measure in the present-day conditions of India was felt by the people whom it was intended to benefit and was admitted by the public at large. The House accepted my motion for the circulation of the Bill. We have now received the opinions of Local Governments and various other authorities on the Bill. In spite of what my Honourable friend Mr. Chaman Lall said in his speech, the Local Governments, who under the existing constitution are primarily responsible for the welfare of labour, are unanimously opposed to the Bill. I shall crave your indulgence, Sir, and the indulgence of the House, to read out certain extracts from those opinions, because it seems to me that they have not been fully appreciated by various Members of this House.

The Government of Burma has said that :

"in the opinion of the Governor in Council the Bill is entirely unnecessary and uncalled for, is unsuited to conditions of labour in this country and if introduced would cause a minor revolution."

I know my Honourable friend Mr. Chaman Lall jibbed at the last portion of that sentence, but he had probably overlooked the resolution passed by the Burma Labour Association to which reference was made later on by my friend Mr. Gaya Prasad Singh. The point is that labour in Burma is mostly imported labour and the conditions there are quite different from what they may be in many stations in India. In any case it is clear from their opinion that the Burma Labour Association consider that this compulsory system of weekly payments would be absolutely unsuitable to them.

The Local Government of the Central Provinces has said :

"The Local Government recognises that a change from monthly to weekly payment of workers may be to some extent desirable provided it is restricted entirely to industrial concerns."

Well, that shows the *bona fides* of this Local Government; but it proceeds to say :

"But even this restricted application is severely condemned by local opinion and will meet with almost universal opposition from employers."

I do not want to lay stress upon the last portion of the sentence. The Local Government points out.

"No such demand has been made in this province by the workers themselves despite strikes where the question would certainly have been raised had a grievance really been felt."

I submit, Sir, that that is very important.

I now come to the reply of the Government of the Punjab and I shall quote at length some portions of it because they deal with certain very relevant matters :

"Inquiries have shown that the introduction of a compulsory weekly payment system would not be popular either with employers or with workers.

Its adoption would involve an enormous increase in clerical work, and the difficulties of its application to departmental or local fund staff working in remote areas are obvious. Further the payment of illiterate labour is a laborious process and the institution of four pay-days a month would seriously affect the interests of the employer in respect of the waste of working time involved."

I might not have paid much attention to all this which has nothing to do with the interests of the labourer, but then we come to this :

"In certain industries this loss of time might be shifted to the workers, thus reducing their total wages."

What follows is more important :

"Under the present system the custom has grown up of workers meeting their private commitments monthly; a system of monthly payment enables them to meet these commitments and even in some cases to effect small savings. If weekly payments are made, there is a real danger that a greater proportion of each worker's pay will be spent on petty extravagances, the saving possible out of a weekly wage being too small to act as any inducement to economy, apart from the difficulty of securing the safe custody of any such savings. The result would probably be that all except the most thrifty would constantly find themselves in difficulties."

Now, Sir, I come to the Bombay Government's reply. We have heard and we know that there the Governor has taken a personal interest in this matter of introducing a system, not of weekly, but of fortnightly payment of the wages of the labourer in the Bombay mill industry. Still, after the experience which he had in that connection, the Governor in Council says this :

"It has been repeatedly ascertained from the Bombay mill hands that they do not desire any change in the monthly system of wages now prevailing. The Governor in Council also believes that one of the main reasons why the mill-hands prefer the monthly system is their apprehension that, if wages are paid weekly, the traders who deal with them on credit as also their money-lenders, will demand the making up of accounts weekly without any reduction in the rate of interest. It is an axiom when dealing with compound interest any given rate operates more severely the more frequently it is computed."

The Madras Government has expressed itself :

"in general agreement with the view that while weekly payment of wages might to a limited extent protect factory employees against unscrupulous employers, it would have little or no effect in rescuing the wage earner from the clutches of the money-lender, and the objections to which the proposal is open outweigh any possible advantage."

The opinion of the Government of Assam has already been brought before this House pointedly by Mr. Roffey and I do not want to waste the time of the House by further referring to it.

I come now to the opinion of the Government of Bihar and Orissa.

"Employers generally dislike the idea because of the increased cost of the economically unproductive work of accounting"—*We may leave that aside*—"Nor, with few exceptions is it apparently desired by workers"—*this is important*—"It is a significant fact that in the strike on the East Indian Railway in 1922, when every possible grievance was dragged out and ventilated there was no complaint as to the period of wage payment. The Manager of the Bengal Iron Company adopted the practical method of taking a referendum among his staff, and found some 4,500 employees in favour of the monthly payment, while some 200 only desired the weekly payment. The Jharia Mines Board of Health experimented with the system of weekly payments in the belief that it would save the employee from the money-lender, but found that it was inconvenient and did not attain the result expected."

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The Bengal Government says:

"The framer of the Bill states that existing arrangements place wage-earners unnecessarily at the mercy of money-lenders, and he regards readjustments as impracticable or unlikely owing to the temper and strength of employers. In the opinion of the Governor in Council existing arrangements in Bengal do not place wage-earners at the mercy of money-lenders to an appreciable degree which different arrangements might avoid."

Now, Sir, I have quoted some of the opinions of the more important Local Governments. Mr. Chaman Lall quoted the opinions of certain Collectors in the Bombay Presidency. When he was quoting those opinions, however, he deliberately referred to the opinions given on one particular aspect, namely, the application of the Bill to factory workers only. If he had referred to the portion of the opinions which dealt with the principles of the Bill, he would have found that on that point there was an unanimity of opinion, namely, against the principles of the Bill.

It has been brought out by several speakers who spoke before me that the opinions of the workmen themselves, at least as they appear in the White Paper, do not show that there is any marked demand for the Bill on the part of the people whom it is intended to benefit. I have already referred to the opinion of the Labour Association of Rangoon. Mr. Chaman Lall has referred to what happened in Bombay, but he skilfully omitted to read out all the relevant portions of the letter from the Chairman of the Bombay Millowners' Association of the 24th September, 1924. In passing, I may observe that that letter was issued before the Labour Government had gone out of power in England and that is a sufficient refutation of the insinuation which my Honourable friend made that it was because the Labour Ministry had gone out of power in England that a change took place in the attitude of the people of Bombay and of the Bombay Government.

Now, Sir, if we turn to the portions of the letter which Mr. Chaman Lall did not quote, we find the following statement:

"The principal reasons advanced by the operatives against the introduction of fortnightly payments are:

It is customary in Bombay to make payments of house-rent and credits of grain and food, etc., monthly and thus the present system of making payment of wages monthly is quite suitable to the mill labour."

Then again we find:

"There would be greater percentage of absenteeism throughout the month owing to the habit of taking one or two days off immediately after pay day. This dislocation of work prevalent on pay days would occur twice a month instead of once and would cause a correspondingly greater loss in the earnings of piece workers."

My Honourable friend, Mr. Chaman Lall has contended that his Bill is an adequate measure for providing the best means of enabling the workers to get out of the clutches of the money-lender, and that statement has the support, to some extent, of my Honourable friend, Mr. Joshi. The opinions from Local Governments which I have quoted, and also from other authorities, indicate that the provisions of the Bill will not be of any benefit to the worker, but that, on the other hand, they will operate to his detriment. It appears from the opinions that the existing arrangements do not place workers at the mercy of money-lenders to a degree which the arrangements proposed might avoid to an appreciable extent. I do not want to labour the point. But I may mention that we know that weekly payments were tried on

sections of a certain railway, the Assam Bengal Railway, and that it had to be abandoned at the request of the staff. One result of the weekly payment was an immediate contraction of credit, the local shop-keepers holding that the chance of absconding had been increased. This is only natural as obviously credit depends on security. Moreover, as has been pointed out in some of the opinions before us, a system of weekly payment will compel the workman, who is not continuously in debt, to buy for cash the articles of his food on a weekly instead of a monthly basis and will force him to pay higher prices. Further, the customs of the country requires that the workman should meet monthly some of his private commitments at any rate, for example, in the matter of house rent. A system of monthly payment of wages enables him to meet these commitments, and in some cases to effect small savings which he remits to his family if he is working away from his home. If weekly payments are made, there is a real danger that a greater proportion of each worker's pay will be spent on petty extravagances or greater indulgence in liquor, the saving possible out of a weekly wage being too small to act as any inducement to economy, or to be remitted to the family at home. The result will be that a system of weekly payment of wages will render thrift more difficult.

Speaking on this question of the effect of the weekly payment on the indebtedness of the workmen, Mr. Joshi referred particularly to the initial debt with which the workman starts his work. I find that the system in most provinces is for the employer to give advances to the workmen against the wages earned by them. In fact, I find from the Bulletin to which I have already referred that in Bombay 56 per cent. of the mills advance money to their workmen in times of difficulty either against their provident fund or wages without interest or at a nominal rate.

Mr. N. M. Joshi: What is the nominal rate of interest?

The Honourable Sir Bhupendra Nath Mitra: I have no information about the rate of interest except that it is nominal. If the position is as described, I do not quite understand the statement that the workman is saddled with an initial debt. I have another point. I think Mr. Joshi said that one advantage of the system of monthly payment was that during the last strike in Bombay the workmen had a certain amount of money on which they could rely to carry on the strike. If they were groaning under a burden of debt, I cannot understand how that could have happened.

Mr. N. M. Joshi: Where is the difficulty? Nobody was paid. The money was in their hands and no sower could get it.

The Honourable Sir Bhupendra Nath Mitra: If the money was in their hands, I am certain the sower would have arranged to take it out of their hands.

Mr. N. M. Joshi: Not unless they went to the Small Cause Court.

The Honourable Sir Bhupendra Nath Mitra: Now, Sir, in regard to the opinions which appear from the workmen's side in this White Paper, my friend Mr. Chaman Lal said that they were incomplete, that the Local Governments did not go to all the workmen's associations and get their opinions. Well, Sir, the Bill was published not only by the Government of India but by the Provincial Governments and it was open to the Workmen's

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associations to send their opinions on the subject either to the Local Governments or to the Government of India direct. Nothing prevented them taking that action.

Mr. Chaman Lall: You have received some.

The Honourable Sir Bhupendra Nath Mitra: What we have received is included in the White Paper. It was admitted by my friend that the bulk of opinions in the White Paper show that the Workmen do not want these weekly payments. Mr. Chaman Lall's interruption comes in very timely. It reminds me of a point which I had overlooked. In referring to one of the opinions, that from the Secretary of the South Indian Railway Employee's Central Association, Podanur, my friend said that it came from the Secretary and not from the Association. I find on the other hand in a press report which originated from Madras on the 18th November the following statement:

"At a meeting of the South Indian Railway Labour Union at Negapatam resolution, were passed opposing Mr. Chaman Lall's Resolution in the Legislative Assembly for the introduction of payment to labourers drawing less than Rs. 100 as wages per mensem on a weekly basis."

That is a press communication from Madras and it absolutely rebuts what Mr. Chaman Lall said in his speech that the opinion printed in the White Paper is the personal opinion of the Secretary and not the opinion of the Association. Further, Sir, the All-India Trade Union Congress did not pass any resolution at their last annual meeting supporting this system of weekly payments of wages.

As I have already said the principle of the Bill is this, that the payment of wages should compulsorily be fixed on a weekly basis. I submit Sir that the House has not sufficient justification for accepting that principle; and that therefore it cannot agree to a motion to refer the matter to a Select Committee. The reference of the Bill to a Select Committee will involve the acceptance by the House of this particular principle in regard to which we have no information that there is a demand for it on the part of workmen. On the contrary whatever information we possess indicates that the workmen themselves do not yet demand it. If at a later stage workmen should demand it, they are bound to articulate that demand through the Trade Unions which I hope will be established in this country as soon as we have on the Statute-book a Trades Union Act in some form or other. For the present all the information we have got shows that this weekly payment may not suit the conditions and requirements of workmen in all provinces and for all the industries in a particular province. In the course of the debate I have heard various suggestions that we might leave out domestic labour or agricultural labour from the scope of the Bill. I think, Sir, that is absolutely beside the point. If you once admit the principle that it is in the interest of the workman, and will help him to get out of indebtedness, to introduce this compulsory system of weekly payments—once that principle is admitted, the system must apply to all classes of workers. Mr. Joshi, I think, mentioned in his speech that the indebtedness of the Bombay labourer is Rs. 50. I find from Mr. Darling's book on the Punjab Peasant in Prosperity and Debt that the indebtedness of the tenants at will in the Punjab is Rs. 185. That being so, of the two who requires the greater assistance, the tenant at will in the Punjab or the Bombay mill worker? No, Sir, the point is one of principle; and as I have already

urged I would ask the House to throw out this motion for reference to Select Committee which will immediately involve the acceptance by this House of the principle of the Bill.

At the same time, Sir, I fully recognise the force of certain observations which have been made by my friend Mr. Chaman Lall and also by my friend Mr. Joshi. What Mr. Chaman Lall really wants is not that the wages should be paid weekly but that the wages should be paid quickly. Here again, Sir, the general practice, according to this Bulletin, seems to be that there is not inordinate delay in payment, that the waiting period is not unnecessarily large. At the same time sporadic cases have occurred in which payments have been unduly withheld. That aspect of the question is already receiving the separate consideration of Government and if as a result of those inquiries we find that legislation is required on that particular question, we shall not hesitate to undertake such legislation.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

Mr. Chaman Lall: Sir, I do not wish to take up too much of the time of the House in my reply to the debate on my Bill. Sir, I do admire the spectacle of every industrialist or capitalist whose eyes are filled with tears whenever he sees industries in distress, but I do not admire the spectacle of an industrialist or a capitalist

An Honourable Member: On a point of order, Sir. Is a quorum present? (No quorum being present the Bell was rung and a quorum was obtained.)

Mr. Chaman Lall: As I was saying, I admire the spectacle of great sympathy shown by capitalists whenever they find that their industries are in distress, but I do not admire the spectacle of the capitalist who has nothing whatever to show in sympathy towards workers whenever we happen to deal with their cause. Let me, to start with, take note of the position taken up by Sir Purshotamdas Thakurdas, who I am sorry to notice is not present in the House. What did he have to say in support of his theory that the workers did not demand this particular measure or that there was no need for this particular measure? All that he had to say was to refer me to a White Paper and to the opinions expressed by the Labour Office of Ahmedabad. On page 26 the Labour Office gives us its opinion. Honourable Members are aware how these particular opinions are manufactured for the consumption of the public. I myself can vouch for it that when the Labour Office at Bombay wanted family budgets prepared, they got hundreds of them by the simple method of paying one rupee to each individual for each family budget. I can get any amount of opinions for Honourable Members on that basis, any amount Sir Purshotamdas likes if he is willing to pay. Here on page 26, the Labour Investigator himself is saying that he went and inquired about this Bill from "hundreds" of operatives—and what had they to say? He says that those who were in favour of it were usually of the "frivolous" kind. Imagine an investigator going into a workshop and asking the workers

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whether they are in agreement with the provisions of this Bill, whether they should receive their wages on the weekly basis, and all of a sudden coming to the conclusion that because a worker supports the provisions of this Bill, therefore he must be a man belonging to the "frivolous" sort! (Laughter.) Are these the opinions upon which this House is going to be asked to base its definite conclusion, namely, whether this Bill is acceptable or not? I say there is no evidence that is reliable which can be called in support of the Honourable Sir Purshotamdas Thakurdas' statement. We have it, Sir, clearly stated in this White Paper that the Governor of Bombay was himself in agreement—and naturally he was speaking on behalf of his Government,—with the principle that wages in Bombay should be paid, if not on the weekly basis, at least on the fortnightly basis. And what are the arguments that have convinced him when he speaks as Governor in Council to the contrary? There are no arguments advanced except merely the statement of Messrs. Sassoon and Company. Messrs. Sassoon and Company have been held by Sir Purshotamdas Thakurdas to be model employers. Are not these the very people who were responsible for withholding the wages of the workers when the workers went out on strike? Sir Purshotamdas Thakurdas is silent on that point. These are the employers, the model employers, who find all of a sudden great interest rising in their capitalist breasts for the condition of their workers. No, they seek every opportunity to down their workers. We want to rob these employers of the power that they desire to perpetuate in order to down their workers. On page 20 Messrs. Sassoons turn round and say that several hundreds of their workmen were interrogated and it is further stated on the same page that these workmen actually told the employers that they were not in favour of the receipt of weekly wages because it would add to the clerical labour of the employers. Imagine a body of workers so solicitous of the interests of their employers as to advance a reason in their favour and against the provisions of this Bill! I say no arguments are advanced against the Bill. All that Sassoons say is that it might possibly add to the clerical labour and might add to establishment charges. Imagine the spectacle of these workers being so solicitous of the interests of these very employers who are always prepared to suck the last drop of their blood if necessity arises. I assure the House that reading between the lines of these statements which are so nicely prepared and concocted, no judicious person can honestly place any reliance whatsoever upon them. It is surprising to me that the Governor in Council could so alter his opinions within two months and alter them on the basis of a letter sent by the Millowners' Association. Here is a crying need, a need which is apparent, a need which has been pointed out to the Governor himself and to the Millowners' Association by the late Secretary of State for India, a need which has been time and again exposed in the Press in India and all of a sudden, merely because he received a letter from the Millowners' Association, the Governor in Council changes his opinion about this great need. The Honourable Member wants me to be convinced of the fact that it was that letter alone which altered the mentality of the Governor in Council. I refuse to believe that. There are other influences that are at work, of which no mention is made in this White Paper. These are not the reasons. Nor have any reasons been given by the Millowners' Association of Bombay. In fact, their own executive declared openly to the Government and to the public that they were in agreement with the system of fortnightly payments. Yet all of a sudden a couple-

of months later they go to their own Committee and the Committee says: "No, we are not in favour of it." And these very people who were so enthusiastic about fortnightly payments and who had accepted that principle sent a little later this letter to the Governor of Bombay and to the Press saying that this system is a vicious system and that it cannot be accepted. May I ask whether they did or they did not have at that time all the evidence upon which they based their opinion, or was that evidence produced afterwards? There is no mention of that in this White Paper. They must have had all the evidence before them but there must have been other influences which worked in order to change their opinion on this subject. Sir, there is one important matter of which mention has been made and that was this, that the opinions are overwhelmingly in favour of the rejection of this Bill. Now, opinions may or may not be in favour of the Bill. My point is this that the opinions that are to be found in this White Paper are all tarred with the same brush; they emanate from the same source. A great majority of opinions that are given by the workers' associations, are in favour of the provisions of this Bill. The Honourable Member has got all the newspaper cuttings with him and also the letters received from Trade Unions. Will he not assure the House that all these opinions which are not to be found in this White Paper and which emanated from the workers' association are in favour of the weekly payment system? In my opening remarks I reminded the Honourable Member of the North-Western Railway Union. They have sent him a letter to the effect that they are in favour of the Bill. If the Honourable Member keeps press cuttings he will find in the Press reports it is stated that not only the North Western Railway Union and the Mazdur Sabha of Cawnpore but the Trade Union Congress Committee are also in favour of my Bill.

The Honourable Sir Bhupendra Nath Mitra: When?

Mr. Chaman Lal: Quite recently. All the opinions that I have been able to collect are in favour, and wherever I have consulted workers they have evinced a desire in favour of this system. The question is one of principle, is it a good thing or is it a bad thing? I say it is a good thing. Have you a case to the contrary? What do you give me in reply? You quote me the opinions of Government officials, of employers' associations. Do you expect employers' associations or Government officials to go against their own interests? You cannot. They are not going to do it. Go and consult the workers. I challenge my Honourable friend to come with me to the Sassoon mills and hold a referendum, and I assure him that I will win every time against him. It has not been done. Why? It is not my fault if opinions has not been obtained from proper quarters. I refuse to be bound by *ex parte* statements such as those contained in this White Paper. What had my Honourable friend from Assam to say? He said the workers in Assam are pampered. We have heard a great deal about the pampering, the treatment meted out to the Assam coolies, to those poor unfortunate souls who left the tea plantations at the time of the Chandpur strike. They were pampered with bayonets. That is the sort of pampering treatment they received. They receive Rs. 5 or 6 a month as wages. That is not called decent treatment, that is inhuman exploitation of the worker. Is the Honourable Member from Assam aware that in the Surma Valley payment is made on the weekly basis and not on the monthly basis? I was surprised to find the Honourable Sir Willoughby Casey getting up and opposing this Bill. Is he not aware that in Bengal the system is

[Mr. Chaman Lall.]

based on weekly payments? There in Bengal no "Minor" or Major revolution has been created because of this system of weekly payments. It is acceptable all round. Why should any man from Bengal who represents the interests of employers object when he knows that the system is in working order in Bengal and working to the satisfaction of everybody? So is the system working satisfactorily in the coal mines. Does anybody suggest that because that system is in existence in those parts of India that that system is responsible for creating "minor" revolutions? The Bengal Ordinance has not been created because of the system of weekly payments. There is no revolution which needs to be crushed merely because the system of weekly payments is in force in certain parts of India. I think it is a simple matter. Do you want to pay your workers on the weekly basis? Do you want to treat them well and get them out of the clutches of money-lenders? If you do, try and do justice to them. This is a false issue to raise that public opinion is not in favour of the Bill. Public opinion has never been consulted, the workers' opinions have never been consulted. Go and hold meetings of your employees, go to the mines and factories and find out whether they desire weekly payments, and then come to us and tell us that they do or do not agree. Then I would be prepared to accept your statement, but I am not prepared to accept the *ex parte* statements contained in this White Paper. Mr. Gaya Prasad Singh, I find, has suddenly become the spokesman of the Bihar Government. The Bihar Government object to the use in my Statement of Objects

and Reasons of the word "unscrupulous." I understand, Sir, 3 P.M. that Mr. Gaya Prasad Singh himself objects to that expression (Mr. Gaya Prasad Singh: "I quoted the Bihar Government.") That is why I said he had become the spokesman of the Bihar Government!

Are the Jherria and Dhanbad coalfields within the jurisdiction of the Bihar Government? And have we not heard a great deal of the misery of the horrible degradation of the workers in those provinces? We have. And if I use the word "unscrupulous," I am merely restraining myself in giving vent to the feelings uppermost in my heart. When I say the employers have been unscrupulous and have acted in a most dastardly fashion to their workers, I challenge any Member of this House to get up and deny that statement of mine. Honourable Members who have followed the trend of labour events in India in recent years know that my expression is not uncalled for, that it is within the bounds of reality, that it is within the bounds of truth. I stick to that expression in spite of the fact that Mr. Gaya Prasad Singh or his Government object to it. I care not for his Government or for the opinions of those who do not wish to face facts and to face realities.

Sir, Diwan Bahadur Rangachariar, in his usually sweet and usually explicit and clear manner raises an issue which has to be met, although I do not agree with him—he will pardon me if I say so—in his desire to pay his workers in kind and not in cash. I think any one who desires to do that is born at least 500 years too late (Laughter). But nevertheless he has raised a very acute issue, and that issue is this. You are going to upset the whole system of payment of agricultural workers. I for my part would be prepared to exclude the agricultural workers and confine this Bill in the Select Committee to those workers who come under the

Factories Act of 1911. I would be prepared to accept that and I would have asked my Honourable friend over there to accept this statement of mine confining the terms of the Bill and to try and do something for these workers. I believe I have made out a strong case for the adoption of the principle underlying my Bill, and I must now leave it to the mercy of public opinion and of individual employers since I notice that the Honourable Member is not prepared to go even as far as that with me. I will be content for the moment to accept his assurance that he is making an inquiry into this matter and that he intends to find out whether there has been any delay in recent years in the payment of wages to workers when those wages are really due to them, and that if he finds that there is any necessity for reform on the basis of his inquiry, he will present us with a Bill in this House to cover any irregularities which have occurred in recent years. I understand that is what he means by his inquiry, and on that assurance I do not wish to waste the time of the House or to divide the House on this occasion, but I shall reserve to myself the liberty to introduce this Bill again in case there is no satisfaction given to us. With these remarks I will withdraw this Bill with your permission, Sir, and the permission of the House and not press it to a division.

The motion was, by leave of the Assembly withdrawn

THE INDIAN ARBITRATION BILL

Mr. Harchandrai Vishindas (Sind: Non-Mahammadan) Sir, with regard to the motion that I have to make regarding my Arbitration Bill, I received a notice last night that Mr. Duraiswami Aiyangar is due to move an amendment. My motion is that the Bill be circulated for the purpose of eliciting opinions thereon, whereas Mr. Duraiswami Aiyangar proposes to let it go straight to a Select Committee. Although I originally tabled this motion of mine, I may inform you, Sir, that I am rather in favour of Mr. Duraiswami Aiyangar's amendment at this particular stage for this reason.

Mr. President: Order, order. We are not at present discussing the amendment of Mr. Duraiswami Aiyangar. It is not a question whether Mr. Duraiswami Aiyangar's amendment is in order or not. The Honourable Member should confine himself to his own motion.

Mr. Harchandrai Vishindas: In that case no choice is left to me but to move my motion that the Bill to consolidate and amend the law relating to arbitration in British India be circulated for the purpose of eliciting opinions thereon.

As will appear from the papers, I presented this Bill at Simla on the 9th September, 1924. Then it was introduced. Next when this motion of mine which was made at the suggestion of Government was brought forward, unfortunately it was blocked from time to time by other

[Mr. Harchandrai Vishindas.]

work until it had the good fortune of being reached to-day, of which also at one time there seemed to be but a remote chance. I have already stated in my Statement of Objects and Reasons the object of this Bill, and again explained that object when I moved for the introduction of the Bill, which motion was unanimously passed. The Bill is of great importance to the public inasmuch as it tends to convenience and speed in the administration of justice and is in consonance with the wishes from time to time expressed by judicial authorities. At present the provisions of the arbitration law are scattered in several places. Part of it is contained in the Civil Procedure Code, part in the Arbitration Act; and there have been several omissions noticed by High Courts, which omissions I have with my humble efforts tried to supply in the Bill as it is now presented. The Bill has been before the public for a long time. It was even mentioned by the Civil Justice Committee as probably a measure which was calculated to serve the ends which that Civil Justice Committee had in view, namely, to expedite justice; and, as the Bill has been before the public and before this House for a long time, I think I shall be wasting the time of this Assembly by explaining its provisions any further. I, therefore, move that the Bill be circulated for the purpose of eliciting opinions thereon.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor Non-Muhammadan Rural): Sir, with reference to the motion which has been brought forward by my Honourable friend Mr. Harchandrai Vishindas, I may say at once that if that motion is the only motion that is to be allowed in this House it is as good as not moving anything at all. The one thing I have learned in this Assembly is that, if you have not got either the heart or the inclination or the patience to go through with a Bill which is of great importance, the surest way to kill it and to confine it in a pigeon-hole is to refer it for circulation for public opinion. At any rate this particular Bill will necessarily suffer that fate seeing that at the far end of this Assembly this motion is being made; and if this Bill is to be sent out for circulation through the arteries and veins of India, then by the time it returns this Assembly will have been dissolved and this Bill itself will die automatically. Therefore, Sir, I sent in notice of an amendment with which I shall deal at the end after taking the ruling of the Chair whether it is in order or not.

Sir, I am surprised that the Government themselves should not have taken this important matter into their own hands and that they should not have introduced a Bill which is of such paramount importance, particularly in view of the fact that much of the law's delays is reported to have been caused by the meagre provisions relating to the law of arbitration. Sir, the attempt to codify the law of arbitration and to make as far as possible a perfect law of arbitration has commenced now; it commenced 18 years ago. There was a special committee once appointed under the presidency of Sir Erle Richards in 1907, and the Committee recommended then:

"We are of opinion that the best course would undoubtedly be to eliminate from the Code all the clauses as to arbitration and insert them in a new and comprehensive Arbitration Act. There are perhaps difficulties as to this at present. We have determined, therefore, to leave the arbitration clauses much as they are in the present Code; but we have placed them in a Schedule in the hope that at no distant date they will be transferred to a comprehensive Arbitration Act."

This, Sir, preceded the Civil Procedure Code of 1908. The Civil Justice Committee has also devoted seventeen pages of printed matter to this question and the Committee has offered several suggestions and suggested several remedies, and has also considered in a way the Bill which is now being moved by my friend here for being circulated for public opinion. This Bill was placed in the hands of the Civil Justice Committee and they have bestowed attention upon this Bill also. Now, Sir, we are told that this Bill has once more to be circulated in order to get public opinion thereon. I can understand technical matters, mercantile matters and other such matters being referred for public opinion. But on a matter like this, Sir, relating to a proposal to legislate on the various methods of arbitration which have now been failing on account of defects in the law. I think we have got a sufficient number of lawyers in this House itself who could go through it and do it successfully. We have got lawyers here who are the sole monopolists of sanity as well as of wisdom; we have got eminent lawyers here who are legal luminaries. With such a number of lawyers in the Assembly, for us to proceed to collect public opinion, I say once again, is a mere waste of time or a method of evading an important law. The Civil Justice Committee is strongly of opinion . . .

Mr. President: The Chair does not desire to interrupt the Honourable Member; but will he come to the point and state whether he wishes to oppose this motion or support it? The Honourable Member must come to the point. If he wishes to move his amendment, let him do so. It will then be for the Chair to decide whether the amendment is in order or not.

Mr. C. Duraiswami Aiyangar: What I was driving at, Sir, was to point out to Government that in the event of an amendment not being allowed by the Chair, I was going to request the Government to take up the measure and introduce a similar measure instead of sending it out for eliciting public opinion. I am making that suggestion and for that reason I am mentioning it. Certainly I cannot oppose this motion in the event of every other remedy failing. That, Sir, is the position which I take, and I take this opportunity of bringing these facts to the notice of the Government. I only wish to suggest to the Government, who seem to be in agreement with my friend, that this is a matter of great importance and therefore should be sent out for public opinion, that the Government themselves may bring in a measure within the spirit of the Report made by the Civil Justice Committee.

Mr. President: The Honourable Member has done that already. He need not repeat the same thing.

Mr. C. Duraiswami Aiyangar: Now, Sir, I wish to know the ruling upon this amendment. I move that the Bill be referred to a Select Committee consisting of the Honourable the Home Member, Mr. Tonkinson, Sir Henry Stanyon, Mr. Harchandrai Vishindas, Lala Duni Chand, Diwan Bahadur T. Rangachariar, Mr. K. Rama Aiyangar, Mr. Amar Nath Dutt, Pandit Shambhu Dayal Misra, Pandit Madan Mohan Malaviya, Mr. K. K. Chanda, Syed Majid Baksh, Khan Bahadur Ghulam Bari and the Mover. That, Sir, is my amendment.

Mr. President: Will the Honourable Member show how it is in order?

Mr. C. Duraiswami Aiyangar: Sir, under Standing Order 39—I must admit that I myself felt a little doubt about it—under Standing Order 39, clause 2 (b):

“if the member in charge moves that his Bill be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.”

I thought, Sir, that it made no difference

Mr. President: Order, order. The Honourable Member has proved that he is out of order.

Mr. C. Duraiswami Aiyangar: Then, Sir, may I say a few words on the motion itself? I may mention that the motion of my friend is a motion of very great importance. It is a matter which requires a speedy disposal by this House before it comes to be dissolved or comes to a close. Sir, there is one omission probably due to an oversight on the part of my friend who moved his motion that it be circulated for public opinion. According to the Standing Orders he must have fixed also the time by which that public opinion must be secured. That is compulsory under the Standing Order and I believe my friend has omitted to do so only by an oversight and I hope he will fix a date. Let that date not be far beyond the 1st of April of this year, so that there will be a likelihood of our getting the public opinion by the 1st of April, and it may be circulated among the Members of this House and the matter may be placed at least before us during the Simla Session of this Assembly, which is the last Session which this Assembly will have the honour of attending. Let us therefore piously hope that the Government will consent to that addition being made to the motion, which is necessary under the Standing Orders. The Standing Order says:

“If the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee, or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.”

Therefore, that motion itself must specify the date by which the opinions must be received. I only trust that my friend will put in that date as the 1st of April and I hope the Government also will accept that date so that we may have all the opinions collected before the 1st of April and this Assembly may have the honour to codifying the law of arbitration in a satisfactory manner. Otherwise, Sir, there are lots of suits which, although they may have been referred to arbitration either through the court or without the intervention of the court, have been prolonged for the simple reason that there are several defects which are open to the discontented party in the arbitration award to raise as a defence and thereby prolong the litigation. This has been fully dealt with by the Civil Justice Committee. Therefore, Sir, the sooner the law of arbitration is put on a firm and satisfactory basis, the sooner we will end the prolongation of litigation in the manner in which it has been going on. You may ask for any number of courts, but the sooner litigation is put down and shortened, the better it is for the greater prosperity of the country. Therefore, Sir, I trust my friend will put in that date and Government will accept it.

Mr. Harchandrai Vishindas: May I rise, Sir, on a point of explanation? My friend Mr. Duraiswami Aiyangar is wrong if he thinks that it is obligatory upon me to fix a date, because, under Standing Order 38 . . .

Mr. President: Order, order. It is not at all obligatory on the Honourable Member to fix a date.

Mr. Harchandrai Vishindas: That is what I was pointing out, Sir.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, I rise to make a short statement in regard to the attitude of Government towards the present motion. My Honourable friend, in his Statement of Objects and Reasons, and again when he introduced this Bill, referred to the statement of Sir Lawrence Jenkins who was a member of the Select Committee which dealt with the Code of Civil Procedure, 1908. My Honourable friend, Mr. Duraiswami Aiyangar has also referred to the remarks made by that Select Committee in regard to this question. Those remarks suggest and this is what Mr. Duraiswami Aiyangar has definitely stated, that the proposal to consolidate the law in regard to arbitration is eighteen years old. In regard to this point, I must of course admit that the Select Committee and certain members of that Select Committee separately expressed the view that it was desirable to enact a comprehensive Arbitration Act. Now, that Committee was presided over by Sir Eric Richards, and he himself undertook an inquiry into the question and within a year came to the definite conclusion that the people in the mofussil of India would be opposed to any such comprehensive Arbitration Act. That is the reason why no further action has been taken upon this suggestion. So far as Government are concerned, the next stage in this matter arose with the meeting of the Associated Chambers of Commerce in Bombay in 1923. That meeting was attended by the Honourable the Finance Member. As indicated in the report of the Civil Justice Committee, a member of the Karachi Chamber, Mr. Backhouse, referred at length to some of the difficulties experienced in the operation of the arbitration law. The Honourable the Finance Member first of all informed the members of the Associated Chambers that no one in India, since the passing of the Code of Civil Procedure, 1908, had drawn the attention of either the Legislative Department or the Home Department of the Government of India to any difficulties in the operation of the arbitration law. He then issued an invitation to the effect that we should be very glad to receive representations in regard to such difficulties and we would consider them and see what amendments to the law were necessary. No one has taken any advantage of that invitation, that is to say, no one has come forward to us and told us of the difficulties which are being experienced in the operation of this law. Obviously, the Executive Government are not in a very good position to ascertain such difficulties themselves unless they are brought to their notice. We did, however, take some action there. We caused a précis of all the rulings upon this question to be prepared. I have a copy of it here, it extends to 40 pages in print. I think it will form a very valuable basis for further action in regard to this matter. It would be more suitable perhaps for any one who wanted to prepare a treatise on the subject of arbitration. The précis does not give us any very definite suggestions as to the action which we should take, and in order to decide that, I am

[Mr. H. Tonkinson.]

afraid we ought to have in the Government of India some Judge who has had a long experience of the administration of arbitration law to go into these cases and make definite proposals.

Now, let me turn to the Bill itself. In regard to that, I would merely refer to the remarks of the Civil Justice Committee upon it. Perhaps it will be well if I read the paragraph in Chapter 13 of their report in which they deal with this question. In paragraph 11 they say:

"We have been furnished with a copy of a draft Bill to consolidate and amend the law relating to arbitration in British India, prepared by Mr. Harchandrai Vishindas of Karachi. Apart from minor amendments of the law and from the fact that the whole law of arbitration is intended to be incorporated into one Act, the general intention of the Bill appears to be to apply the principles of the Indian Arbitration Act of 1899 to the whole of India, making however certain modifications. The main modifications seem to be (1) that an award may be enforced as a decree, but only by leave of the court, such leave to be obtainable only after the lapse of a certain time in order that an application to set aside, modify, or remit the award may be made meanwhile; (2) that no suit should lie to contest the validity of a submission or award on any ground other than fraud; and (3) that no award should be deemed to be invalid by reason only of its being based on a reference which, amongst other matters, includes the subject matter of a pending suit or proceeding."

That, Sir, is the description of the Bill now before the House given by the Civil Justice Committee. I do not know whether the Honourable Member in charge of the Bill would accept it as correct. But I will assume that it is for the present purpose. Then the Committee went on and made very definite proposals themselves in regard to this subject. They are entirely different from those of my Honourable friend. We have not as yet referred those proposals to Local Governments. As a matter of fact we were awaiting the result of the present motion before this House before doing so. Our intention is that if this motion is accepted and the Bill is circulated for the purpose of eliciting opinions, then we should at the same time refer the proposals of the Civil Justice Committee to Local Governments. By this means we shall, I submit, be in a position shortly to dispose of the questions which call for most urgent disposal in regard to the amendment of our arbitration law. My Honourable friend Mr. Duraiswami Aiyangar suggests that this only means delay but I submit that it is certainly desirable that we should refer this Bill to Local Governments and judicial authorities and to see what their opinions upon it are. We shall get those opinions. I am certainly of opinion that it will be quite impossible to get them by the 1st of April of this year as my Honourable friend suggested, but we shall get those opinions in time and we shall also get opinions upon the recommendations of the Civil Justice Committee and I submit that that should enable us, as I have said, satisfactorily to dispose of those questions which call for most urgent treatment. I do not say that that will dispose of the case altogether because, judging from this précis that I have here, there will still be many questions in regard to arbitration which will probably take, I should think, many years to solve. Sir I support the motion.

Mr. President: The question is:

"That the Bill to consolidate and amend the law relating to arbitration in British India be circulated for the purpose of eliciting opinions thereon."

The motion was adopted.

THE LAW OF PROPERTY (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move that the Bill to remove certain doubts as to the right of a person to effect a transfer of property otherwise than as provided by the Transfer of Property Act, 1882, be referred to a Select Committee consisting of the Honourable the Home Member, Diwan Bahadur T. Rangachariar (Sir Sivaswamy Aiyer is not here and I omit his name), Mr. K. C. Neogy, Sir Durey Lindsay, Mr. Venkatapati Raju (in place of Diwan Bahadur Rannachandra Rao who is otherwise engaged), Mr. K. Rana Aiyangar, Pandit Motilal Nehru, Mr. Ambika Prasad Sinha and myself, and that the number of persons whose presence shall be necessary to constitute a meeting of the Committee shall be five.

I do not wish to detain this House with a long history which has culminated in the motion which I have just submitted for the acceptance of the House. When I introduced this Bill there may have been two opinions on the subject, but those opinions have been set at rest by a valuable document placed in the hands of Members known as the Civil Justice Committee's Report. Evidently they considered this question and they have in fact devoted a whole chapter to the question which I ask this House to consider to-day. It is Chapter XXXV and occupies eight pages of discussion from page 147 to 454. I am glad to say, Sir, that the Civil Justice Committee strongly support the principle of my Bill, first, on the ground that the Indian Transfer of Property Act lays down in clear and unmistakable terms that a transfer of property by sale can only be effected by a registered instrument. Now, Sir, in a long course of decisions, extending over a series of years, of which I have stated the leading cases in my Statement of Objects and Reasons, the courts in India have held that while a sale of immoveable property cannot be effected otherwise than as provided in the Transfer of Property Act, section 54, still, if the purchaser is put in possession of the property in anticipation of the sale and the sale is not registered or is not otherwise completed by a valid conveyance, the purchaser's possession being lawful the vendor cannot turn round and eject him without fulfilling his part of the contract, during the period that the specific performance of the contract is not barred by time. Now I can well understand that this principle of law is not in consonance with the statute law and does not conflict with it. It is an equitable remedy which the courts grant to the suffering purchaser who has been put in possession of the property but who is unable to secure a validly registered document because the vendor has turned back on his contract and is not willing to fulfil his contractual obligations. But, Sir, this was a view which the Privy Council took in three or four cases known to me; but latterly in one case their Lordships applied the first principles enunciated in a book known as "Bell's First Principles", and overlooking the provisions of section 54 they said that they did not think that the Indian statute law conflicted with the principle that he who had a part performance in his favour could implement and complete an unregistered transfer by recourse to that document. Well, Sir, that gave rise to a tremendous amount of judicial conflict; Full Benches sat and I have made references to them in my Statement of Objects and Reasons, when the Indian High Courts were constrained to follow this enunciation of principle and to say that section 54 of the Transfer of Property Act must not be exhaustive and there must be other modes of effectuating a transfer. The amount of litigation and the amount of consequential uncertainty created by this litigation was so appalling that I felt it my duty

[Sir Hari Singh Gour.]

to introduce this Bill. I would have moved this motion to-day with the greatest hesitation if it had not been for the fact that every word I have written in my Bill finds ample support from the report of this Civil Justice Committee. I do not propose to read more than two or three passages to convince this House how far the principle of my Bill is supported by the recommendations of this Committee. At page 453, in paragraph 14, the Committee says:

"It appears to us that the working out of the principle laid down in the case of Mahomed Musa above cited"

--and that is the case which gave a different turn to the Indian case law on the subject of sales—

"is likely to be of more and more difficulty in the near future. The principles cannot yet be said to have been defined with any exactitude or to be applied with any uniformity. Our Statute-book says nothing about part performance. In view of the absence in Indian law of any provisions as to contracts really analogous to those of the Statute of Frauds, English cases on 'part performance' yield a dubious and insecure analogy even as regards 'agreements to lease'. The principles derived from Scots law"

—and that is, in the case I have referred to the Scotch law was applied to India—

"as to *locus penitentiae* and the doctrine of *reinterventus* are, to say the least, not readily adaptable to the language of the Registration Act or the Transfer of Property Act. It is probably right to say that no branch of English Law creates more difficulty in our lower courts than the principles of equity which were elaborated in England with reference to very different circumstances and very different laws. We are not convinced that the doctrines referred to under the name of 'part performance' are logical in themselves or when taken together with the language of the Registration Act; but however this may be we think that a question has now arisen which the legislature should determine."

Sir, those are strong words, strong words by a Committee appointed by the Government and in the Report of which frequent references are made by the Government in the course of discussions. In paragraph 16 at page 454 of their Report they say:

"As soon as it is known to be well settled that the strict letter of the law will be applied, cases of individual hardship will cease to occur, and full effect will be given to the considerations of public policy on which the enactment in question was based."

And then in the last clause they support that principle which I have enunciated and which I have embodied in my Bill, namely, that, so long as a contract is not barred by time, the purchaser, if in possession of the property, may retain it if the vendor is unable to fulfil his contractual obligations.

Now, Sir, that, as I have said, has been the position of Indian law for a long series of years. That position was disturbed by a decision of the Privy Council in which a principle of Scotch law was applied to India because it was said that there was nothing in the Indian statute law to conflict with that principle. The Civil Justice Committee have pointed out, and I do not think that it was necessary for such an authoritative Committee as the Civil Justice Committee to point out, that, anybody who can read section 54 of the Transfer of Property Act will have no difficulty

in understanding the meaning of that word "only". It says that the sale of immoveable property shall *only* be in the case of any property over Rs 100 in value by a registered instrument. Sir, as this uncertainty is causing incalculable insecurity and is fruitful of litigation in this country, I felt it my duty in anticipation of the Report of the Civil Justice Committee and long before it was appointed to ask this House to give me leave to introduce this Bill. Owing to the vagaries of the ballot it is only an accident that I have been permitted to-day to move my next motion, otherwise I feel confident that my Bill would have found its place on the Statute-book long ago, and once more restored the established law laid down in the Indian Transfer of Property Act as supplemented by the provisions of the Indian Registration Act. Honourable Members belonging to my profession know with what solicitude, anxiety and care the question of the enactment of section 54 of the Transfer of Property Act was considered by Lord Hobhouse's Committee and in introducing compulsory registration how they felt that it was necessary that all transfers must be transfers by public registration. Sir, the enunciation of this principle has completely done away with that security of title created by the Transfer of Property Act, and the Civil Justice Committee point out the insecurity which is caused thereby. I should have expected amongst the numerous tiny Bills that emerge from the Government archives and see the light of day in pursuance of the recommendations of the Civil Justice Committee a Bill drawn up on the lines of my own Bill being piloted by some Honourable Member of Government. But I am afraid, Sir, that the Government are perhaps feeling that, if somebody else can do their job, why should they do it themselves. If that is their view, I would ask the Government to support this motion. I do not know what their attitude is. My friend the Honourable the Law Member looks somewhat bellicose and suspicious. (Laughter.) Whether he is going to support my motion or is going to oppose it, I know not; but whether he accepts it or not, I feel confident that the House will accord to me the support which the merits of my case deserve and demand. Sir, I move my motion.

The Honourable Mr. S. R. Das (Law Member): Sir, I rise to oppose the motion on behalf of Government. I do so on several grounds, one of them being that it involves a very serious change in the law, a law which, as my friend has pointed out, is not a creature of the Statute but is the result of judicial decisions evolved out of experience, extending over a considerable period, of the working of the Statute of Frauds in England and of the Transfer of Property Act and the Registration Act in India. I do not accept my friend's account of the state of that law at the present moment, because so far as my researches go, practically all the High Courts have accepted the law which my friend seeks to change. It is true that the Civil Justice Committee have made a suggestion that this law should be changed, but I will ask the House to bear in mind that the main concern of the Civil Justice Committee was the question of delay in the administration of justice by the courts, and to what extent they could relieve the courts of some of the matters which come before them.

Now, I do not know if the House has quite realized what it is that my friend seeks to do by this Bill. With the permission of the House I shall endeavour to put before it as simply as I can, and avoiding so far as possible all legal terms, what it is that my friend seeks to do. Now, under the Transfer of Property Act, read with the Registration Act, certain

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transfers of immoveable property, such as sales, leases and mortgages, can be effected only by a written document which has got to be registered. Now it very often happens that two parties have come to an agreement, one to sell to the other or to let to the other, say, a house, and while the necessary documents are being drawn up, executed and registered, by agreement between the parties the seller or the lessor makes over possession of the house to the person who is going to buy it or take it from him on lease. Now, under the Transfer of Property Act, no interest in the house passes to the lessee or buyer until there is a written document, and under the Registration Act even if there was agreement for the sale or for the lease, the unfortunate person who has been in possession is not in a position to prove that he has lease of the house. Now under those circumstances you can imagine some of the hardships that might arise with regard to a very innocent party. Let me give you an illustration. A and B have agreed that A is going to let a particular house to B for a certain number of years. The rent is settled, and everything is settled. B is in a hurry to get into the house because he has to vacate the house in which he is then residing upon which A agrees that he should get into possession at once. While the lease is being drawn up and registered, supposing in the meantime, before actual registration, A gets a better offer for his house. He finds C willing to take it at a much higher rent. Under the Transfer of Property Act he would be entitled, if he sues B for ejectment, to do so. B would have no defence whatever, although it had been agreed between the parties and as a result of the agreement B had been let into possession. He would have no defence at all under the Transfer of Property Act and under the Registration Act. Under those circumstances the courts have evolved the doctrine of what is known as part performance, that is to say, although you cannot prove the document, you cannot prove that there was agreement to lease, still if that agreement has been part performed by giving over possession, for instance, part of the agreement has been actually carried out, then the courts say, "Well, it is not equitable that you should be allowed to go behind that simply because under the Statute there ought to have been a written document". Now that is the law which my friend wants to alter. He wants to have it that you cannot even then resist a suit for ejectment; you cannot put up the defence that the owner has agreed to let you have this house. I have given an illustration with regard to a lease. Similarly there may be a case of a sale, where part of the consideration has been received. . . .

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadian Urban): And the whole of it too.

The Honourable Mr. S. R. Das: And the whole of it may have been received, but because it has taken time to write out the document and to register it, I cannot put forward the defence that the house has been sold to me. There equity comes in and says, this is not fair, the agreement has been part performed and therefore I am not going to let you go behind the agreement. That is the doctrine that has been applied by the Privy Council and that has been accepted by all the High Courts in India.

Now, the main ground on which the Civil Justice Committee recommend that this law should be changed is that it has led to a certain amount of fraudulent defence of part performance which has taken up a good deal of

the time of the court. That is to say, people have put forward a defence of part performance, which was a false defence, and that takes up the time of the court. Well, I think you might as well say that a defendant should not be allowed to plead that the document was obtained fraudulently from him because a defence of fraud always involves time. Therefore, if you want to prevent delays in the courts, pass a law that no one should be entitled to plead that a particular document was obtained by fraud from him

Diwan Bahadur T. Rangachariar: Or forgery.

The Honourable Mr. S. R. Das: Or forgery, because all these defences take time. Now, so far as we have been able to consider it, that is not a sufficient reason for changing a law which, as I say, is a well established law, and a very very useful law. It would create, I know personally, a great deal of hardship in a place like Calcutta or Bombay where these leases are constantly taking place; where possession is given to the lessees of a house before the actual lease is drawn out it would involve a great deal of hardship if you were to change the law suddenly as my friend proposes. That is one of the reasons why we suggest that my friend's motion should not be accepted by the House. At any rate I think the House will agree with me that it is a point which requires very serious consideration.

Now, the next ground on which I oppose this motion will, I am sure, appeal to all practical lawyers in this House. I do not know if it will appeal to jurists like my Honourable friend here, but I think it will appeal to all practical lawyers in this House. I have a rooted objection to tinkering with the law. I can understand this take up a branch of the law, consider it from all its aspects, see how a particular change which has been advocated will affect the rest of the law, and then if you think it necessary, change it. But it always gives rise to a great deal of confusion if you take a certain small part of the law and change it without considering how it is going to affect the rest of the law. Now, although the doctrine of part performance does not find a place in the Transfer of Property Act, it is a portion of the law of transfer of property well recognised by the courts, and therefore it would be dangerous, according to us, to consider this question apart from its effect on the rest of the Transfer of Property Act. The intention of the Government is that this recommendation of the Civil Justice Committee should be considered in connection with the revision of the Transfer of Property Act, and I should like to tell this House how that matter stands. The question of the revision of the Transfer of Property Act was taken up some years ago under my predecessor in this office, Sir Tej Bahadur Sapru. He had practically gone through the whole thing and all the necessary notes for consideration are complete. All that is left to be done is to bring the notes up to date and I propose

Diwan Bahadur T. Rangachariar: I may also add that a committee sat on it and had a few sittings.

The Honourable Mr. S. R. Das: Yes, a committee sat and the whole thing is really ripe for consideration. I propose during the Simla Season, after the Assembly is over, to take up the Transfer of Property Act seriously so that we may really bring before this House a thoroughly revised Transfer of Property Act brought up to date, and the intention of the Government is that this recommendation of the Civil Justice Committee,

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which is a very very serious matter, as every lawyer will tell you, should be taken into consideration in connection with the revision of the Transfer of Property Act and should not be dealt with in this tinkering fashion.

The third ground of objection that we have is the drafting of the Bill itself which has been put forward by my Honourable friend. Now, I do not propose, I do not think it would interest the House if I were to go into technical matters with regard to this Bill, but I would ask the House to take it from me that the Bill as drafted, if it is ever sent to Select Committee, will have to be wholly recast.

Sir Hari Singh Gour: That is the work of the Select Committee.

The Honourable Mr. S. R. Das: Not to wholly recast a Bill I challenge anyone to read that Bill itself and find from it that the real intention at the back of the Bill is to change this law of part performance. It deals with a section of the Specific Relief Act practically, and unless you are put up to it, as to what the intention is, it is rather difficult to ascertain that it is really intended to change this well known doctrine of part performance. And my Honourable friend will pardon me for saying that if you do send it to Select Committee there is a very good chance of the Select Committee doing what I am told it did in regard to another Bill, that is to advise the House that the Bill should be rejected. That would be a serious waste of time of many Members of this House. I do not want to take up your time any longer. I have tried to avoid all technical difficulties, and I trust the House will not think that I have agreed to the way that the Honourable Member has dealt with the history of this doctrine.

I should just like before I sit down to quote a passage from a case with reference to this doctrine, because I can quite understand why the Honourable Member is anxious that this Bill should go through. In his book on the Law of Transfer he expressed an opinion that the cases in the High Courts which have accepted this doctrine, that "those cases are founded on no intelligible principle and if accepted would have the effect of overriding the clear provisions of the law." That was the opinion expressed by my Honourable friend, that is to say, that this doctrine was not founded on any intelligible principle. Well, the Privy Council had the misfortune to differ from my Honourable friend. The Privy Council held that it is not only not an unintelligible principle, but a very very useful and necessary principle to be observed

Diwan Bahadur T. Rangachariar: And based on bare justice.

The Honourable Mr. S. R. Das: And based on bare justice. After the Privy Council's opinion my Honourable friend would of course find it hopeless to argue in any court that this principle is unintelligible, and I take it my friend wants to get back on the Privy Council by passing this legislation. Now, this is what the learned Judge of the Allahabad High Court said:

"I observe that in discussing this question Dr. Gour in the 4th edition of the Law of Transfer, Vol 1. takes the other view and referring to (I will not mention them) two cases says that these cases are founded on no intelligible principle, and if accepted would have the effect of overriding the clear provisions of the law. This is (said the learned Judge) rather severe on the Privy Council."

I do not think that I really ought to take up any further the time of this House. I have tried to explain it as simply as possible.
 4. P.M. and I trust this House will reject this motion.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, I was not going to speak on this Bill; but having heard the Honourable the Law Member I think it may be as well to mention that in one respect his summary of my friend Sir Hari Singh Gour's Bill is perhaps not quite accurate. He gave us an illustration of a man who had agreed to take the lease of a property for some years but had not got the necessary registered lease for some years having no defence at all against eviction. That, I submit with all respect to him, is not quite correct. If I understand that the Bill before the House—and I admit that one has to read it as explained by the Honourable Mover in his speech before one can altogether understand it—the object is this. I can best explain that object by an illustration. A man has a contract of sale in his favour. Under that contract of sale he is allowed to take possession. The registered title deed is yet to come when the vendor, getting a better offer, as in the illustration given by my Honourable and learned friend, tries to turn him out. It is wrong to say that the purchaser has no defence. All the courts in India have agreed that while the contract of sale is alive, that is, within the time during which it could be specifically enforced, it would be a complete defence to the attempt of the vendor to eject the intending purchaser. I understand that in this Bill Sir Hari Singh Gour does not intend to controvert that view of the law; and the Civil Justice Committee, as I understand their Report, do not have any fault to find with that view of the law. But the proposition now is this, that, if a man who has agreed to buy certain property, and has got possession of that property, neglects, in the period of three years allowed to him, to obtain his title deed, he should not after that be allowed to set up a mere equitable defence of part performance. In a well-known case (*Balkishen v. Legge*) reported in Vol. 22 of the L. L. R. Allahabad series, their Lordships of the Privy Council laid down this principle:

"The cases in the English Court of Chancery which were referred to by the learned Judges in the High Court have not, in the opinion of their lordships, any application to the law of India as laid down in the Acts of the Indian Legislature."

I take that to be a dictum that while the principles of equity—and a great deal of our principles of equity in India are derived from the English courts—while such principles of equity can be used wherever there is room for them, they should not be applied to override any definite enactment of the Indian Legislature. Now, the Indian Legislature has enacted two things in the Transfer of Property Act with which we are now concerned, namely, (1) that certain sales shall be capable of being effected by registered document only, and (2) that a mere contract to sell shall give no title to the property. Those two are definite enactments contained in the Transfer of Property Act. Therefore, when an intending purchaser obtains a written contract of sale, he gets no title to the property. When he gets possession in anticipation of being given a registered title deed, he still has no title, under the Indian law, in that property. What is to happen if he fails to take advantage of the time which is given to him by law to overcome the default of the vendor in not giving him a registered deed? If he allows the time to go by and then goes to the courts in India to have that contract specifically performed, the law of limitation will stand against him; and the court will have to say, as courts constantly have to say, in the face of negligence, "We are very sorry for you, but we cannot

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help you. You have your own negligence to thank for not being able to enforce the contract of sale." Now, the question is whether their Lordships of the Privy Council intended to rule that notwithstanding the express provisions of the Transfer of Property Act that a transfer of interests in property shall not take place except by a registered deed, nevertheless, by the introduction of an equitable doctrine from England, that express provision of law shall be swept aside and an intending purchaser who has never got a sale deed executed shall be treated as, and in fact and law become, the owner of the property. That may be a perfectly good doctrine from the equitable point of view, but we cannot deal with these matters on principles of philanthropy or sympathy with a negligent purchaser or anything of that kind. The question involved here is, are principles of equity to be introduced from the Chancery Courts in England to override an express provision of the Transfer of Property Act? The Transfer of Property Act does not say that a sale may be effected in this way. The Transfer of Property Act has been construed over and over again to mean that if the sale comes within its purview it shall not be effected in any other way than by a registered deed. That is the doubt which I understand Sir Hari Singh Gour seeks and the Civil Justice Committee recommended to have cleared up. I understand the Civil Justice Committee to recommend that where an intending purchaser has allowed the time for specific performance to go by, and has allowed his contract of purchase to die by lapse of time, then the law should step in and say "We are very sorry for you, but there is the Transfer of Property Act; there is the Limitation Act. You have no sale; you have no contract of sale now left alive." That, I think, is a matter on which there should be legislation. Whether this Bill is the best way to attain that is not a point upon which I am going to take up the time of the House. The Honourable the Law Member promises that in the near future this question will be taken up and considered. My principal object in rising now is to say that there is this difficulty and that it is a difficulty which ought to be cleared; and I submit that it is wrong to say that a man who is put in possession of a leasehold or of a property to be purchased by him in anticipation of a registered deed of sale has no defence. He has a defence while his agreement is alive. He can plead the agreement. But the further question whether he can be allowed to plead the agreement when he has let it die by lapse of time is a totally different matter.

Diwan Bahadur T. Rangachariar: The principle to which we are asked to commit ourselves on this Bill is this. When a person is sued as a defendant he is not seeking the aid of the Court, he is merely protecting himself against a suit by another individual. He is in possession of properties, has entered into a contract, has probably paid the full consideration for it. Now, my Honourable friend shakes his head . . .

Sir Hari Singh Gour: That is not the Privy Council view.

Diwan Bahadur T. Rangachariar: Take a case like that where a contract of sale has been entered into, the vendee has paid the full consideration and has been placed in possession, only the formal contract has not been executed and registered. Taking advantage of the fact that time for execution has passed, this dishonest plaintiff, who has received full cash, who has executed the contract of sale, who has placed the vendee in possession, comes to Court and says, "I have taken the money. I have entered into a contract with the defendant and put him in possession.

Please place me back in possession because the formal registered deed has not been executed." The defendant says, "What is this injustice? Are you going to deprive me for want of this paper while I have paid hard cash and this man has entered into this contract?" And my Honourable friend asks this House to commit itself to the principle, "Yes, place him back in possession." That is the justice this man gets! The rule of part performance which the Privy Council has accepted and the High Courts have accepted is this. It is open to a party to say that apart from the question of absence of a formal document, he has a defence. Call it equitable defence if you like. Merely calling it equitable defence does not make it any the less a defence. What is meant by equitable defence? Defence based on justice. These are courts of justice to do justice. How can you go and help a dishonest plaintiff to get back possession of property which he has himself parted with under a contract? All that section 54 of the Transfer of Property Act says is this, that by reason merely of a contract of sale title does not pass. No interest is created. That is, if a man like that were to go to court and sue another for possession, then of course the absence of document of title may be fatal to his claim, but where he is merely defending his possession against another who put him in possession, in principle of law and justice we should recognise that defence. My objection to go to the Select Committee is this. If this Bill is referred to a Select Committee we have to accept that principle. The Select Committee will be committed to that principle of denying justice to the defendant and we can only reframe the Bill accepting that principle. Are we prepared to accept that principle? That is the question now before the House and that is why this Bill should not go before the Select Committee.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadian Rural). Sir, I only want to take the very instance that was given by my Honourable friend, Diwan Bahadu Rangachariar, and ask the House what it will do. Suppose a powerful man, because there is no registered document executed, takes possession of the property forcibly from the person to whom he had transferred possession. Is he to be allowed to keep possession? Has the other man no remedy? (*An Honourable Member*: "That is part performance.") I quite understand what the Honourable the Law Member stated. It is a question which we will have to consider together when the whole thing is recast. But if it is said that the law is satisfactory as it is, it is impossible to follow that. Suppose by some force or fraud or other means . . .

Diwan Bahadur T. Rangachariar: It will not be cases of performance

Mr. K. Rama Aiyangar: I do say in cases where a man with unclean hands goes to a court and wants help it should be refused, but where there are circumstances which will enable the court to come to a conclusion as to title or otherwise, there may be difficulty during the time the suit is not instituted, for specific performance within the period allowed by law. But if according to law no title is created in one man and immoveable property ought to be kept with him in equity, that is the Indian law up to the Privy Council now. Is it good to leave the law as it is or is it better to legislate to make it clear and modify the law as to title? That is the only point. I am glad the whole question is going to be taken up. It is better that my friend should not press his Bill now, but there is difficulty in the position as it stands.

Sir Hari Singh Gour: I have listened to the Honourable the Law Member's criticism of my Bill which makes me more than ever convinced of its justice. My Honourable friend takes it as an axiomatic proposition that the principle of part performance is well known in this country and is embodied in the statute law of the land. I invite him to dispel my ignorance by showing me a single provision of law in which the doctrine of part performance as such finds a place. He will not only dispel my ignorance but will also dispel the ignorance of the Civil Justice Committee who commit themselves to the following view—"Our Statute-book says nothing about part performance"—and what is the position of part performance in England? They say:

"In view of the absence in Indian law of any provisions as to contracts really analogous to those of the Statute of Fraud, English cases of 'part performance' yield a dubious and insecure analogy even as regards 'agreements to lease'."

That is the position here. My learned friend says that part performance is good law. If it were good law, I would have been the last person to disturb it. In the Statement of Objects and Reasons appended to my Bill I have pointed it out, and in the speech with which I prefaced my motion to go to the Select Committee I have repeated it, but I am afraid I have not been understood. Otherwise I cannot conceive of a misunderstanding between myself and the Honourable the Law Member upon this one issue. What I stated was that when Lord Hobhouse's Committee drew up a Transfer of Property Bill, the whole question as to the policy of registration was considered *in extenso* and after ten years of deliberation they came to the conclusion that all sales should only be effected by a registered instrument. That is the statute law of the country. That is the law which prevails in the land. Then the High Courts of India in a long series of cases and the Privy Council in two cases laid down that the statute law cannot be annihilated or evaded by any recourse to the doctrine of English equity. My learned friend Sir Henry Stanyon has drawn your attention to the well known case of *Balkishen v. Legge*. They have in other cases pointed out that it is dangerous to apply the Chancery principle of equity to supplement the statute law of this country, and in a long series of cases, which I have cited in the Statement of Objects and Reasons, I have pointed out that this view prevailed in this country for a number of years. That is therefore the established law of the land—statute law and case law. And any departure from that law was immediately and ruthlessly checked by a decision of their Lordships of the Privy Council. And that was the state of the law till its even course was disturbed by one single decision given on the principles of part performance. That was in 1917—I speak from memory. Even after that, when the question went up before the Privy Council, in 44 Calcutta their Lordships said that they stood by the statute law. That was a case from Burma, *Maung Shwe Goh v. Maung Inn*, 44 Calcutta, 542. Now, Sir, the position therefore is this; the decisions of the Privy Council as to the applicability of the doctrine of part performance to implement the law are conflicting. In some cases they say the statute law cannot be supplemented by recourse to the doctrine of part performance; in other cases they saw that there is nothing in the statute law of this country to stand in the way of the application of the doctrine of part performance. It is that confusion which has been caused by the conflicting rulings of the Privy Council that I submit has created uncertainty in the law of property in this country; and it is this uncertainty that the Civil Justice Committee desired should be set at rest by legislation. Could any principle be simpler than that?

My learned friend referred to the question of a lease. Let me point out to him that the Privy Council had never for one moment dealt with the question of leases. All the cases were cases decided under section 54, namely, cases of sales. The doctrine of lease, as any Honourable and learned member of the Bar here will tell you, stands on a different footing, because there may be a relationship of landlord and tenant created by acceptance of rent, estoppel, conduct or acquiescence. But that is not possible in the case of a sale; and therefore to give us the analogy of a lease to illustrate the question of sale—and it is the question of sale with which their Lordships of the Privy Council were dealing—is I submit a fallacious analogy. I therefore submit that on the first point I am not unsettling the law. I am asking this House to reaffirm what is the established law of the country, the statute and case law of the country, and I simply ask this House to once more settle what is sought to be unsettled by one disturbing ruling of their Lordships of the Privy Council, against which there are rulings of their Lordships which, as I have said, uphold the statute law as enacted in the Transfer of Property Act. I am surprised, Sir, that my honourable and learned friend who should be the upholder of the law enacted by the Central Legislature should get up with a battle-axe and try to cleave it in two. I am surprised that he should put his foot down upon what is such a clearly expressed intelligible provision, section 54 of the Transfer of Property Act. I am surprised, Sir, that he should regard that nebulous and little understood doctrine of part performance which Mr. Justice Ranken who is drawn from the English Bar describes as not even understood in England itself, the place of its birth, as a doctrine which is established in its new domicile after six or seven years. I am surprised, Sir, how my friend could regard that as an established doctrine in this country when it was absolutely unknown, a stranger, to those learned lawyers who compiled the Report of the Civil Justice Committee. And as I have said, I am myself utterly ignorant of the doctrine of part performance as an established legal doctrine. My friend then said: "We do not wish to tinker with legislation". Sir, an arch tinkerer as he has been, tinkering all his life with legislation, should certainly not come and label that as an excuse for opposing my motion. How many tinkering pieces of legislation have not emanated from that fertile source of tinkering legislation?

The Honourable Mr. S. R. Das: Not from me

Sir Hari Singh Gour: Only last week and the week before last we were having little scraps of paper hurled at us, when my friend, Diwan Bahadur Rangachariar, that doyen of the Indian Bar Committee, got up and said, "I do not believe in your dangling these small bits of paper before this House. Come up with a comprehensive piece of legislation and embody all the recommendations of the Indian Bar Committee."

Diwan Bahadur T. Rangachariar: I did not say that, please

Sir Hari Singh Gour: He never said it but he meant it. (Laughter.)

That, I submit, Sir, has been the cry of this House. Small pieces of legislation are brought up from day to day, and they say, "We are carrying out in instalments the recommendations of the Civil Justice Committee". The Honourable the Law Member, who

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accuses me of tinkering with legislation, is I am afraid a person who lives in a glass house throwing stones at a person who lives under a cemented roof. (Laughter.)

Then, Sir, we have been assured of very early legislation on the Transfer of Property Act. Let me remind the Honourable the Law Member that this piece of legislation has been engaging the attention of his Government, so far as I am aware, for the last 18 years. Successive Law Members have added to a pile of papers which lies embedded in some obscure archive of the Government of India, and I am sure that by this time, if it is not a donkeys load, it is certainly a man's load—this voluminous literature of conflicting laws and conflicting reports on the future of the Transfer of Property Act. Sir, I shall certainly congratulate the Honourable the Law Member if he can unravel this hopelessly tangled skein of Property Law and evolve out of it an intelligible and acceptable piece of legislation. But how long will it be? (*An Honourable Member*—“September.”) And I am, Sir, contributing to the elucidation of that law by my humble might, which I submit might well be put side by side with the other suggestions, complete and incomplete, which you will have eventually to take into account when consolidating and amending the Transfer of Property Act. Sir, in my humble way I am the pioneer (Loud applause) of that great work which he has undertaken to do in the next Simla Session. I therefore support on principle, on its intrinsic merit, on its immediate necessity, the Bill, and I hope it will receive the acceptance of this House. (Applause.)

Mr. President: The question is:

“That the Bill to remove certain doubts as to the right of a person to effect a transfer of property otherwise than as provided by the Transfer of Property Act, 1882, be referred to a Select Committee consisting of the Honourable the Home Member, Diwan Bahadur T. Rangachariar, Mr. Venkatapati Raju, Mr. K. C. Neogy, Sir Darcy Lindsay, Mr. K. Rama Aiyangar, Pandit Motilal Nehru, Mr. Ambika Prasad Sinha and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

(A division was called for.)

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions, Muhammadan Rural): On a point of order, Sir. There is no motion before the House to reject the proposal of Dr. H. S. Gour. Nobody has moved its rejection.

Mr. President: Order, order.

Maulvi Abul Kasem (Bengal: Nominated Non-Official): Its acceptance has been moved and we are dividing on that.

Maulvi Muhammad Yakub: But nobody has opposed it.

Mr. President: Order, order. The question is:

“That the Bill to remove certain doubts as to the right of a person to effect a transfer of property otherwise than as provided by the Transfer of Property Act, 1882, be referred to a Select Committee consisting of the Honourable the Home Member, Diwan Bahadur T. Rangachariar, Mr. Venkatapati Raju, Mr. K. C. Neogy, Sir Darcy Lindsay, Mr. K. Rama Aiyangar, Pandit Motilal Nehru, Mr. Ambika Prasad Sinha and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The Assembly divided :

AYES—18

Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Majid Baksh, Syed.
Misra, Pandit Harkaran Nath
Narain Dass, Mr.
Nehru, Dr. Kishenlal.

Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Ramachandra Rao, Diwan Bahadur M.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Stanyon, Colonel Sir Henry.
Tok Kyi, U.
Venkatapatiraju, Mr. B.
Yakub. Maulvi Muhammad.

NOES—47.

Abdul Qayyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Almuzzaman Chowdhry, Khan
Bahadur.
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil
Bray, Sir Denys
Burdon, Mr. E.
Calvert, Mr. H.
Carey, Sir Willoughby
Clow, Mr. A. G.
Cocke, Mr. H. G.
Datta, Dr. S. K.
Donovan, Mr. J. T.
Ghose, Mr. S. C.
Gidney, Lieut.-Colonel H. A. J.
Gordon, Mr. R. G.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh Brau, Sardar Bahadur
Captain
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Jatar, Mr. K. S.

Jelani, Haji S. A. K.
Lindsay, Sir Darcy
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Mitia, The Honourable Sir Bhupendra
Nath.
Muddiman, The Honourable Sir
Alexander.
Muhammad Ismail, Khan Bahadur
Sayid.
Naidu, Rao Bahadur M. C.
Neave, Mr. B. R.
Owens, Lieut.-Col. F. C.
Purshotamdas Thakurdas, Sir
Raj Narain, Rai Bahadur.
Rangachariar, Diwan Bahadur T.
Reddi, Mr. K. Venkataramana
Roffey, Mr. E. S.
Roy, Mr. G. P.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vernon, Mr. H. A. B.
Vijayaraghavacharyar, Su. T.
Willson, Mr. W. S. J.

The motion was negatived

THE INDIAN MEDICAL DEGREES (AMENDMENT) BILL

Mr. Kumar Sankar Ray (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I beg to move that the Bill to amend the Indian Medical Degrees Act, 1916, be taken into consideration.

Under Article 2, Schedule I, Part II of the Devolution Rules, medical administration, including hospitals, dispensaries, asylums and provision for medical education, are provincial subjects, and under Article 2, Schedule II, they have also been made transferred subjects; but by Article 45 of Schedule II, Part I, regulation of medical and other professional qualifications and standards, though provincial subjects, are made subject

[Mr. Kumar Sankar Ray.]

to legislation by the Indian Legislature, and by section 3 of Act VII of 1916 (the Indian Medical Degrees Act) the Indian Legislature has vested the right of conferring medical degrees and diplomas upon the Calcutta, Madras and Bombay Universities and certain other particular bodies, and has authorised the Governor General in Council to grant this power to other bodies as occasion arises. As medical administration and medical education are all provincial subjects, the object of my Bill is to change the law so as to empower the local Legislature also to determine in whom and how this power to grant titles should be vested. What I propose in my Bill is that a clause should be added to the Schedule which would enable the provincial Legislatures to enact how and by whom future institutions should be allowed to grant medical titles. This power the Local Government had possessed before the Act of 1916 was passed. For instance, in Bengal, Bengal Act VI of 1914 provided for the constitution of a Council of Medical Registration, and by section 18 thereof empowered the Local Government, upon recommendation from the said Council, to grant recognition to persons holding titles granted by fit and proper medical institutions, by allowing them to be registered as medical practitioners. The subsequent enactment of the Indian Medical Degrees Act, 1916, has rendered this provision of the local Act nugatory, as it has prevented and penalised the holding out of any degrees by medical men which have not been granted by certain specified institutions. The Governor General has no doubt from time to time extended the number of institutions authorised to grant titles, but if the whole administration has been vested in the provincial authorities apparently on the ground of difference of local circumstances and needs in the different provinces, it does not stand to reason why this power only should be reserved to the Governor General in Council. The object of the reservation was perhaps to maintain an uniformity of standard. Whatever may be said as regards the higher degrees, that argument had to yield before the crying needs of the country for more medical men, for the Government have been obliged to constitute State medical faculties for different provinces for facilitating medical education on a lower scale. Even the framers of the Indian Medical Degrees Bill, which subsequently became law in 1916, were fully alive to the situation, for what they prevented was people assuming bogus titles and not quack and other men from practising the medical profession, nor did it at all affect the indigenous systems. This will be amply borne out by the discussion in the Assembly when the Bill became law. These medical faculties have been created by administrative orders of the Government and are highly officialised bodies, and the object of my Bill is to give them a legal basis and to make them more representative of the people. In moving my amendment I do not propose any new law; I simply want to restore to the Provincial Governments the powers they already had, and this Bill has been before the country for well over one year without any serious objections being raised to it from any quarters. The Government also have, by the constitution of State medical faculties, recognised the necessity of vesting the Local Governments with such powers, and I submit no useful purpose will be served by delaying the matter, especially when the crying and incessant needs of the country for a long time will be for more and more doctors. With these words I beg to move that the Bill to amend the Indian Medical Degrees Act, 1916, be taken into consideration.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): Sir, even though I might feel disposed to accept the principle underlying this Bill in so far as it is a movement in consonance with medical administration as a transferred subject, yet, I feel that as a medical man and a member of this Honourable House I should be failing in my duty if I gave it my support. The Honourable the Mover of this Bill, Sir, has been at pains to explain to this House the reasons why he wishes a return of extended powers, under the Indian Medical Act of 1916, to Local Governments, but he has not told this House why those powers had been taken away. Those Honourable Members who are acquainted with the relevant history, specially of the province from which the Honourable Mover comes, will remember that it was not many years ago when our capital cities, especially Calcutta, were flooded with amateur and bogus medical institutions, including American, which after a short course of amateur instruction and training to their students, or no training at all, lavished out medical qualifications and degrees at varying prices. The M.D. degree could be purchased for Rs. 50 or less. Indeed it became a public danger and was a source of great trouble to the Government of Bengal and the Government of India. I know many men who practised with a qualification given by one of these bogus medical institutions, who deserved to be criminally tried. It was this wholesale marketing of bogus qualifications that led the Government of India to take this step. The Reforms however have since been introduced and possibly the Honourable Mover thinks that more powers should be given to Provincial Governments. But, Sir, as in the legal profession, so in the medical profession, India needs none but the best; and any Bill that will open the flood gates to quackery, to the recognition of improperly equipped and administered medical institutions, that will lower the status of the medical profession and that will lower the standard of medical qualifications has everything to condemn it and nothing to commend it. Indeed, Sir, I do not believe there is a single Member of this Honourable House who would support such a dangerous Bill. We have on to-day's agenda another Medical Bill which is the very opposite of this. It calls for a centralisation of our medical institutions; indeed it calls for a general Medical Council to be established by law in India; and I submit, Sir, that, if we were to accept this Bill, it would be a retrograde step. As a medical man I have learned to appreciate the need of a high standard in medical training and the care and caution necessary in recognising medical institutions, and I have no hesitation whatever in asking this Honourable House to reject this Bill.

Dr. S. K. Datta (Nominated: Indian Christians): Sir, I greatly regret that I must differ from my Honourable friend Mr. Kumar Sankar Ray. I do not understand what precisely he desires, what particular powers he desires to vest in the provincial Legislative Council of Bengal. Now let us turn for a moment to the Act as it stands. The Act is No. VII of 1916, and I will read one of the clauses. Section 3 of Act VII of 1916, says:

"The right of conferring, granting or issuing in British India degrees, diplomas, licences, certificates and other documents stating or implying that the holder, grantee or recipient thereof is qualified to practise Western medical science shall be exercisable only by the parties specified in the Schedule and by such other authorities as the Governor-General in Council may by notification in the Gazette of India, subject to such conditions and restrictions as he thinks fit to impose, authorise in this behalf."

[Dr. S. K. Datta.]

Now we turn to the Schedule. The Schedule includes a list of recognised bodies whose licenses enable the holder to practise western medicine:

- (1) Every university established by an Act of the Governor General in Council.
- (2) The State Medical Faculty in Bengal.
- (3) The College of Physicians and Surgeons of Bombay.
- (4) The Board of Examiners, Medical College, Madras.

Since this Act was passed there have been several other bodies added to the Schedule. Now, Sir, what is it precisely that my Honourable friend desires to do? The Government of Bengal recognise and the Government of India recognize the State Medical Faculty in Bengal as being a faculty which is authorized to license persons who profess to practice the Western form of medicine. It is open to the provincial Legislative Council at present to make such representations to the Bengal Government to enlarge the basis of this particular faculty or to recognise other bodies which the Government of Bengal in their turn will recommend to the Government of India for inclusion in the Schedule of this Act. All that I wish to point out is that the Honourable Member has his remedy at hand.

The second point which I wish to make is regarding the matter which Colonel Gidney has already raised, namely, uniformity of degrees in India. Sir, this House will recognize readily that we have never been in the position in which the United States of America was once, where the licences of certain State Medical Faculties were not recognised by the other States, with the result that these States had to protect themselves against the medical men who were authorised in other States, because the standards varied very greatly. Indeed it led to the medical profession in America becoming a by-word among the medical institutions and faculties of the world, because of the tremendous difference in standards. Things have been remedied, indeed it has taken an enormous time to remedy them. We desire that every person who is qualified to practise western medicine (and I emphasise the words "Western medicine"), every person who is licensed to practise Western medicine may have an opportunity of practising in any part of British India. Furthermore there are particular emergencies such as war and great epidemics, when we have to mobilise the medical forces of India. We therefore desire to preserve as far as possible a uniform standard which will be recognised throughout India. We have on the agenda this afternoon (and I trust that the business of the House will allow it to come before us) a Bill which is to be presented by my Honourable friend from Poona, Dr. Lohokare. Dr. Lohokare has not brought forward legislation with regard to registration or licensing. What he is concerned with, and rightly concerned with, is the question of medical education, namely, the uniformity of medical education. Now, medical education is a far more important thing and a broader thing than mere licensing of people to practise medicine. If we can obtain a uniform system of medical education and bring up standards all over India, I believe that we shall have done a great deal for the medical profession in India; we shall have done a great deal to preserve the public health of this country. I regret, therefore, Sir, that I am compelled to oppose the motion made by my Honourable friend, Mr. Kumar Sankar Ray.

Dr. K. G. Lohokare (Bombay Central Division. Non-Muhammadan Rural): Sir, in the interests of the profession to which I belong I am sorry I have to oppose the motion now before the House. My friend, in placing his motion before the House, pointed out that medical education was a provincial transferred subject. I will take his permission to point out that standards of medical education is not a transferred subject at all. Provision for medical education is a transferred subject; but laying down standards for medical education is a reserved subject, and as such, it is in the hands of His Excellency the Governor of a province to say what qualifications shall be admitted to the register and what shall not be. So his main purpose of handing over the *laying down of standards* of medical education to a transferred department is not achieved, Sir, by the proposal he has been making. Secondly, he quotes the 1916 Act and says that that Act has taken away the power of the provincial legislation of recognising certain degrees and diplomas. I do admit that his statement is partially true. In 1912 the Bombay Medical Act was enacted, in 1914 the Bengal Act was enacted and there was the Madras Act too simultaneously, and all these Acts had been superseded by the Act of 1916 in the matter of giving recognition to diplomas and degrees. There is only one slender section in these Acts which says that the Medical Council, with the sanction of the Governor will enter into the Schedule and recognise any new body. That is the only section. At the same time, there is not the slightest mention of the method of managing medical education in all the provincial Acts. The fact is that these provincial Acts are more for registration of practitioners and for looking to the ethics of the profession. The Preambles to the Acts mention registration alone as the purpose. Medical education is not a field of all these provincial Acts at all, and if my friend wished to take advantage of that section I am sorry, Sir, he has been stretching the Act too much.

Seeing that these provincial Acts contained no provision for Medical education the Act of 1916 was passed for a real purpose, namely, to avoid a danger to the medical profession. There were many in the profession who condemned the language of certain sections but all these were unanimous in saying that bogus colleges and schools with only a board of the name of a college outside and a dispensary behind, issuing diplomas wholesale should be absolutely prohibited. There were such institutions in Calcutta and other places and I know medical men, who had failed in the regular Colleges, who could not get through even in the first examination, got their diplomas within a year or so from some of these colleges. I know them personally and I disliked this state of things, and myself as a medical man, working my bit for the profession, did approve of the 1916 Act. Of course I did not agree with the details, but I did agree with the principle of it. It was, therefore, no wonder, Sir, that the provincial Acts were overridden by the 1916 Bogus Medical Degrees Act for two reasons, namely, for the condition created in the country with an ultimate danger to the profession and secondly because the provincial Medical Acts did not contain any provisions for the management of medical education. If we have to provide for the management of Medical education in these Acts it would be somewhat difficult indeed. Firstly, you have to provide for a staff of Inspectors, I will give you a concrete illustration. Take Bengal. There are three Medical Colleges. You want an Inspector of Anatomy—an expert in teaching Anatomy. For the

[Dr. K. G. Lohokare.]

three Colleges you want an expert in Anatomy, an expert in Surgery, an expert in Medicine and so on—such a large inspecting staff for a few colleges that the Bengal Government themselves would say that they cannot afford to incur expenditure on this inspecting staff. It is therefore, Sir, that I suggest in a subsequent Bill that might come up if it has any chance, a uniformity of standards and co-ordination, of medical education in all the provinces. That is exactly what the medical profession in India has been expecting. My friend, to my utter surprise and dismay, strikes at the root of the very idea of the profession. He says

Mr. President: Order, order. The Honourable Member need not labour the point. The Honourable Member who had moved this motion has sent a note to me that he would like to withdraw his motion. Mr. Kumar Sankar Ray.

Mr. Kumar Sankar Ray: I beg leave, Sir, to withdraw my motion

Mr. President: The question is

Mr. J. W. Bhore (Secretary: Department of Education, Health and Lands): Sir, am I not entitled to speak on behalf of Government?

Mr. President: Is it really necessary for the Government Member to speak in view of the fact that the Honourable Member wishes to withdraw his motion?

(Mr J. W. Bhore thereupon resumed his seat)

The motion was, by leave of the Assembly, withdrawn

THE TRANSFER OF PROPERTY (AMENDMENT) BILL

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): At this late hour and in view of the fact that I understand that Government will not oppose my motion, I beg formally to move that the Bill to explain certain provisions of the Transfer of Property Act, 1882, be referred to a Select Committee consisting of the Honourable the Home Member, Colonel Sir Henry Stanyon, Diwan Bahadur T. Rangachariar, Mr. K. C. Neogy, Mr. M. A. Jinnah, Mr. Harchandrai Vishindas, Maulvi Muhammad Yakub, Mr. Gaya Prasad Singh, Khan Bahadur Sarfaraz Hussain Khan, (and I wish to add the name of Mr. K. Rama Aiyangar) and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, it has fallen to my lot on many occasions to oppose the legislative proposals made by my Honourable and learned friend, Sir Hari Singh Gour. It is, therefore, all the more pleasing to me to be able to say that on this occasion I am enabled to lend him my support. I think, however, that it is necessary that I should indicate the reasons why Government propose to support this motion. The subject matter of this Bill has been before the Legislature on many occasions. In the first place, there was a Bill by my Honourable friend, Pandit Madan Mohan Malaviya, in the old Imperial Legislative Council, which finally resulted in the passing of the Transfer of Property Validating Act of 1917 and which, so far as the United Provinces of Agra and Oudh are concerned, provided for the validation of certain transfers

made prior to the 1st January 1915. That Act may be extended to other parts of British India, but so far it has only been extended to Ajmer-Merwara. Then we had a proposal by my Honourable friend, the Deputy President, to amend the Transfer of Property Act which was rejected by the Assembly in September, 1921. We had two further efforts by my Honourable friend, Mr. Rama Aiyangar; the first was one to amend the Indian Evidence Act and it was rejected at the introduction stage on the 21st February, 1924. The second also proposed another amendment of the Indian Evidence Act and that was rejected on the motion for reference to a Select Committee in September, 1924. Now, we have the present Bill which, like the original Bill of the Honourable the Deputy President, proposes to amend the Transfer of Property Act, but of course, it takes a different course to that taken in the former Bill. Briefly, the Bill proposes to insert a definition of "attest" in the Transfer of Property Act. The definition follows to some extent the provisions of section 50 of the Succession Act of 1865 and section 63 of the Indian Succession Act passed last year. But actually the provisions are not quite identical as Honourable Members will be able to see if they compare them. The Indian Succession Act deals with wills and here of course we are dealing with contracts made between parties, mortgage deeds and so on. Now, in the discussions on the Bill of Pandit Madan Mohan Malaviya the decision that was taken was that all that was necessary to do at that time was to validate deeds made before the date I have mentioned in the United Provinces and that for the future it was sufficient to leave section 59 of the Transfer of Property Act to its operation. My Honourable friend in his Statement of Objects and Reasons says there was a serious conflict between the High Courts till the decision of the Privy Council in the case of Shamu Pattar which is reported in 35 Indian Law Reports, Madras Series. Now, what was the position? In the first place, the Judicial Committee of the Privy Council in deciding that case did not upset the decision of the Madras High Court. The Madras High Court had upheld also the decision of the original subordinate court. Therefore both the lower courts in that instance had accepted what my learned friend has styled the narrow interpretation but what I suggest is the clearly correct interpretation of the word 'attest' and their views were confirmed by the Judicial Committee. In their judgment also the Judicial Committee indicated at length the views held at that time by the other High Courts in India. The Calcutta High Court had taken the same view as the Madras High Court and so had the Bombay High Court. It was only the Allahabad High Court which had taken a different view and that was the reason for the form which the Validating Act of 1917 took. There was indeed nothing novel in the views taken by our High Courts and by the Judicial Committee in those cases. Blackstone in the middle of the 18th century had noted that the last requisite to the validity of a deed is the attestation or execution of it in the *presence of witnesses*. Again as another early commentator says: "attestation should be in this form:

'Signed by the above-mentioned testator in the presence of us, present at the same time, who have hereunto signed our names'."

It is true that in some early English cases as stated by the Judicial Committee in Shamu Pattar's case the meaning of the word had been extended so as to cover acknowledgment. Those early cases however related to wills and not to mortgage deeds and the eminent judges who decided them themselves doubted the correctness as well as the expediency of widening the

[Mr. H. Tonkinson.]

meaning of the word "attested" but felt overborne by authority. In the case decided in 1754, for example, Chief Baron Parker began his judgment by saying:

"I confess, if this had been *rex integra* I should doubt whether the testator's declaration is a proper execution within the 5th clause; because, I think, an admission that it is sufficient tends to weaken the force of the statute and let in inconveniences and perjuries."

In the cases decided in England since the middle of the 19th century the strict view of the meaning of the word "attest" has been accepted. As stated by the Lord Chancellor in *Burditt v. Spilsbury*,—

"The party who sees the will executed is in fact a witness to it, if he subscribes as a witness, he is then an attesting witness."

I have said enough in regard to what I think is the correct view of the meaning of the word "attest".

I will now turn to the Bill and in this connection I should like to draw the attention of the House to the fact that whereas in the Indian Succession Act, each of the witnesses must sign in the presence of the testator, the Honourable Member proposes in the Bill that each of the witnesses must sign before the transaction to which it relates is closed. That is, not only does my Honourable friend reduce the solemnity of attestation in the way I have already described, but he also further reduces it beyond the provisions of the Indian Succession Act. That, however, is a point which can be considered by the Select Committee which my Honourable and learned friend proposes. I now come to my attitude towards the Bill. The question raised by the Bill has been considered by the Civil Justice Committee. The Judicial Committee have held the view that the correct interpretation of the word "attest" is a barrier against fraud and perjury. In regard to this the Civil Justice Committee deal with the question in paragraph 3 of Chapter XXXIX of their Report, and they say there that:

"Unfortunately experience has shown that the requirements of attestation in the strict sense of the Privy Council's decision gives rise to many false pleas, having regard to the rules under section 68, etc., of the Indian Evidence Act which require the examination of at least one attesting witness."

They say such witnesses when won over depose that they signed after obtaining from the mortgagor an acknowledgment of his signature but without actually seeing him sign. That is to say, although this attestation, strictly interpreted, is introduced as a barrier against perjury and fraud, my Honourable friend, and he is supported by the Civil Justice Committee, holds that in India this strict interpretation has opened another avenue for fraud. It may be then that in the special circumstances of India the balance of advantage lies in weakening one bulwark against fraud if by doing so we can prevent a greater leak in another direction. And I admit that my Honourable friend does not do away with that bulwark entirely, as he does require what you may style if you like a form of attestation. My Honourable friend and the Civil Justice Committee agree in the substance of their proposals and I think that they can be supported on the lines I have just mentioned. Last September, when this same motion was down for consideration, I tabled an amendment for the adjournment of the decision. My object was to await the result of a reference which we had made to Local Governments on the question. Our replies are now

complete, and I may inform the House that, except for two Local Governments, and one Local Administration, all Local Governments support the recommendation of the Civil Justice Committee, the substance of which is embodied in the Bill before the House. In these circumstances and having regard to the evident weight of opinion in favour of a change in the law, which is indicated also by the many occasions upon which this subject has been raised both in the first Assembly and in this Assembly, Government have come to the conclusion that the view I have adumbrated that the barrier against fraud may have become another avenue for fraud does represent the position in India. Government accordingly have decided to support the principle of this Bill. Some modification of the details may be desirable but that can all be considered in the Select Committee. Accordingly, Sir, I support the motion of my Honourable friend.

Mr. President: The question is

"That the Bill to explain certain provisions of the Transfer of Property Act, 1882, be referred to a Select Committee consisting of the Honourable the Home Member, Colonel Sir Henry Stanyon, Diwan Bahadur T. Rangachariar, Mr. K. C. Neogy, Mr. M. A. Jinnah, Mr. Harichandrai Vishandas, Maulvi Muhammad Yakub, Mr. Gaya Prasad Singh, Khan Bahadur Sarfaraz Hussain Khan, Mr. Rama Aiyangar and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE CRIMINAL LAW REPEALING AND AMENDING BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadian) Sir, I shall not take many minutes to ask for leave to introduce a Bill to repeal and amend certain provisions of the Indian Criminal Law Amendment Act, 1908, and the Code of Criminal Procedure, 1898.

I have tried, Sir, to meet the criticisms that were levelled against my Bill and also several Bills introduced by the Honourable Mr. Patel, and I have tried, Sir, to consolidate all the objections and to meet them as far as possible. At a later stage of this Bill, I hope to explain at greater length the utility of the provisions of the Bill, which I ask leave to introduce to-day.

The motion was adopted.

Sir Hari Singh Gour: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL

***Mr. Kamini Kumar Chanda** (Surma Valley *cum* Shillong: Non-Muhammadian) Sir, I ask for leave to introduce a Bill for the amendment of section 367, sub-section (5), of the Code of Criminal Procedure, 1898.

As the Statement of Objects and Reasons shows, the intention is not to abolish capital punishment but to restrict it in certain cases. At this stage I do not think that I need make a speech in support of it. I ask that leave be given to introduce this Bill.

The motion was adopted.

Mr. Kamini Kumar Chanda: Sir, I introduce the Bill.

*Speech not corrected by the Honourable Member.

THE INDIAN MEDICAL EDUCATION BILL.

Dr. K. G. Lohokare (Bombay Central Division: Non-Muhammadian Rural): Sir, I request leave to introduce a Bill to regulate medical education in India.

Sir, the object for which I ask leave to introduce this Bill is given in the Statement of Objects and Reasons. I will add only one word as regards one misapprehension that may perhaps exist in the minds of some regarding the question as to how much part the Medical Council should take in the control of other systems. This is left to be settled by rules. The Council may simply sanction the constitution and the working rules, if any Faculty of Indigenous Medicine comes up and leave the rest to such a body. There is therefore no fear of any infamous conduct on the part of a registered member of the profession as there is no actual association with unqualified men. There is a similar device for homœopaths in the Toronto Medical Council and still their M. C. P. S. is recognised by the General Medical Council of the United Kingdom. I am simply adopting this procedure. With these words, Sir, I beg to request the leave of the House to introduce the Bill.

The motion was adopted.

Dr. K. G. Lohokare: Sir, I introduce the Bill.

THE BENGAL STATE-PRISONERS REGULATION (REPEAL) BILL.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Sir, I beg to move for leave to introduce a Bill to repeal the Bengal State-Prisoners Regulation, 1818.

The objects and reasons of my Bill are stated in the Statement of Objects and Reasons and I need not take up the time of the House by recapitulating them. Sir, I move.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I propose on the present occasion to extend to my Honourable friend the same courtesy which the House extended to me the other day when I brought in a Bill under somewhat similar circumstances. In case the Honourable Member is under any delusion, as I think perhaps he may be, I now inform him that I shall subsequently oppose the Bill.

The motion was adopted.

Mr. Amar Nath Dutt: Sir, I introduce the Bill.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 141.)

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadian): Sir, I move for leave to introduce a Bill further to amend the Indian Penal Code.

In the Statement of Objects and Reasons I have set out my reasons for asking leave and I have nothing more to add to them. I move.

The motion was adopted.

Sir Hari Singh Gour: Sir, I introduce the Bill.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to amend certain provisions of the Indian Penal Code relating to offences under Chapters VI and VIII of the said Code.

These two Chapters relate to the offences of sedition and the promotion of enmity between classes. I do not wish to say anything at the present time. The objects of the Bill are explained in the Statement of Objects and Reasons. I move.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I propose to include my friend Mr. Rangaswami Iyengar in the same category as I included my friend Mr. Amar Nath Dutt. I only wish to inform him that on a subsequent occasion I shall oppose his Bill.

The motion was adopted.

Mr. A. Rangaswami Iyengar: Sir, I introduce the Bill.

THE RESERVATION OF THE COASTAL TRAFFIC OF INDIA BILL.

Sardar V. N. Mutalik (Gujarat and Deccan Sardars and Inamdars: Landholders): Sir, I beg to move for leave to introduce a Bill to reserve the coastal traffic of India to Indian vessels.

I have already given the reasons for this Bill in the Statement of Objects and Reasons. The only thing that I wish to mention here is that several countries have followed the same practice and the same thing is recommended by the Mercantile Marine Committee. I move.

The Honourable Sir Charles Innes (Member of Commerce and Railways): Sir, I merely wish to say that the attitude of the Government in regard to this Bill should not be inferred from the fact that I do not propose to oppose it at this stage.

The motion was adopted.

Sardar V. N. Mutalik: Sir, I introduce the Bill.

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, my Bill is covered by the motion which has just been moved by Sardar V. N. Mutalik and accepted by the House. Therefore I do not move my motion.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 491.)

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

The reasons for this Bill are stated in the Statement of Objects and Reasons, and I do not wish to take up the time of the House by recapitulating them. I move.

The motion was adopted.

Mr. Amar Nath Dutt: I introduce the Bill.

THE SPECIFIC RELIEF (AMENDMENT) BILL.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Specific Relief Act, 1877.

The object of this Bill is fully explained in the Statement of Objects and Reasons.

The motion was adopted.

Diwan Bahadur M. Ramachandra Rao: Sir, I introduce the Bill.

THE PREVENTION OF DEFERRED REBATES BILL.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to provide for the prevention of the deferred rebates and resort to retaliatory or discriminating practices in the coastal traffic of India.

This Bill is intended to combat a well known evil that has so long stood in the way of the development of an Indian Merchant Marine. The provisions of this Bill formed part of a more comprehensive measure that was introduced in the first Assembly in March, 1928, by Mr. Seshagiri Aiyer. It is therefore almost a formal motion I am making in order to enable this House to take cognisance of that measure and proceed with the Bill from the stage where it was left by the last Assembly. I may inform the House that after introduction of the last Bill, it was circulated for eliciting public opinion, and opinions were received and duly circulated to Members of the first Assembly. My intention is on the next non-official day to move for leave to refer this measure to Select Committee.

The motion was adopted.

Mr. K. C. Neogy: Sir, I introduce the Bill.

THE PROHIBITION OF EXPORT OF CATTLE BILL.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to prohibit the export of cattle.

For the reasons, Sir, I will refer the House to the Statement of Objects and Reasons printed with the Bill, which has already been circulated. I will reserve my remarks for another stage.

The motion was adopted.

Pandit Shamlal Nehru: Sir, I introduce the Bill.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Income-Tax Act, 1922, for reasons stated in the Statement of Objects and Reasons.

The motion was adopted.

Mr. Amar Nath Dutt: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 144.)

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadian Rural). Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

The object of this Bill is stated in the Statement of Objects and Reasons. I am not quite sure what the attitude of my Honourable friend the Home Member is going to be at a later stage, but I am sure I will have the leave of the House to move for leave to introduce the Bill.

The Honourable Sir Alexander Muddiman (Home Member): I would also inform my Honourable friend that I shall oppose this Bill, as I include Mr. Chetty's Bill in the same category as the previous ones.

The motion was adopted.

Mr. R. K. Shanmukham Chetty: Sir, I introduce the Bill.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa : Muhammadan). Sir the provisions of my Bill are covered by the Bill introduced by Mr. Rangaswami Iyengar. So, I do not move my motion.

THE INDIAN EVIDENCE (AMENDMENT) BILL.

Mr. Kamini Kumar Chanda (Surma Valley *cum* Shillong : Non-Muhammadian). Sir I beg to move for leave to introduce a Bill further to amend the Indian Evidence Act, 1872.

The motion was adopted.

Mr. Kamini Kumar Chanda: Sir, I introduce the Bill.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL

Mr. B. Das (Orissa Division : Non-Muhammadian). Sir, I beg to move for leave to introduce a Bill further to amend the Imperial Bank of India Act, 1920.

Sir, I have set down my views in the Statement of Objects and Reasons. The Imperial Bank as it stands is a bank managed by certain vested interests with no control of the Government of India, and no representation of the Indian people on the Managing Board and not even an Indian Managing Governor. I should like the Imperial Bank to be so altered that it should be the State Bank of India on the lines suggested in the External Capital Committee's Report by my friend the Honourable Pandit Madan Mohan Malaviya.

The motion was adopted.

Mr. B. Das: Sir, I introduce the Bill.

*Vide page 835 of these Debates.

THE INDIAN REGISTRATION (AMENDMENT) BILL.

Diwan Bahadur M. Ramachandra Rao (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Registration Act, 1908.

The object of the Bill is fully explained in the Statement of Objects and Reasons.

The motion was adopted.

Diwan Bahadur M. Ramachandra Rao: Sir, I introduce the Bill.

THE HINDU LIMITED OWNERS BILL.

Diwan Bahadur M. Ramachandra Rao (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I beg to move for leave to introduce a Bill to make better provision for the transfer of immoveable property by Hindu widows and other female heirs having limited estates in property, and to protect the rights of transferees from such persons.

The object of this Bill has been fully explained in the Statement of Objects and Reasons.

The motion was adopted.

Diwan Bahadur M. Ramachandra Rao: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 8th February, 1926.

LEGISLATIVE ASSEMBLY.

Monday, 8th February, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock,
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

ESTABLISHMENT OF THE IMPERIAL LIBRARY, CALCUTTA.

672. ***Syed Majid Baksh:** (a) How many employees are there in the Imperial Library of Calcutta?

(b) What are the different grades of appointment and what are the respective emoluments of each grade?

Mr. E. Burdon (on behalf of Mr. J. W. Bhore): (a) 15.

(b) 1 Head Clerk on Rs. 200—10—300

1 Superintendent, Reading Room, on Rs. 200—10—300.

2 Assistants on Rs. 75—5—150 each.

11 Clerks on Rs. 50—3—125 each.

NUMBER OF MUSSALMAN EMPLOYEES IN THE IMPERIAL LIBRARY, CALCUTTA.

673. ***Syed Majid Baksh:** (a) How many Mussalman employees are there in the Imperial Library and what are their educational qualifications?

(b) What are the dates of appointment of the Mussalman employees and what are their present salaries?

Mr. E. Burdon (on behalf of Mr. J. W. Bhore): (a) Two. Both are graduates.

(b) One was appointed on the 1st January, 1897, and the other on the 21st December, 1921. The present pay of the former is Rs. 125 a month while that of the latter is Rs. 62.

ESTABLISHMENT OF THE IMPERIAL LIBRARY, CALCUTTA.

674. ***Syed Majid Baksh:** (1) What is the educational qualification, the date of appointment and the present salary of:

(a) the Librarian,

(b) the Head Clerk,

(c) the Superintendent of the Reading Room, and

(d) other clerks drawing salary of one hundred rupees and upwards in the Imperial Library?

(2) To what nationality do the above officers belong?

Mr. E. Burdon (on behalf of Mr. J. W. Bhore): (1) and (2). A statement furnishing the required information is placed on the table.

Statement showing the educational qualifications, the date of appointment, the present salary and nationality of employees of the Imperial Library, Calcutta, drawing salary of one hundred rupees and upwards.

Designation of appointment.	Educational qualifications.	Date of appointment.	Present salary.	Nationality.
Librarian		31st August, 1911.	Rs. 1,500	European.
Head Clerk	B.A., B.L.	9th January, 1922.	240	Hindu.
Superintendent, Reading Room.	Intermediate in Arts	5th April, 1913	300	„
Other Assistants and clerks drawing salary of one hundred rupees and upwards in the Imperial Library :				
(1)	Non-matriculate	1st January, 1902.	110	Hindu.
(2)	Matriculate	13th July, 1899	135	„
(3)	B.A.	1st January, 1897.	125	Muhammadan.
(4)	Non-matriculate	11th March, 1913.	125	Hindu.
(5)	Matriculate	23rd March, 1906.	119	„
(6)	„	15th February, 1907.	113	„
(7)	Non-matriculate	9th July, 1909	107	„

Syed Majid Baksh: Are the Government aware that the Librarian is generally swayed in his action by his head clerk?

Mr. E. Burdon: No, Sir.

Syed Majid Baksh: Is it a fact that the Librarian on the advice of the head clerk recently dismissed three Hindu clerks and got persons of his own liking appointed?

Mr. E. Burdon: In the circumstances, I must ask for notice of that question.

Mr. K. Ahmed: Is there any record kept of the amount of work done by the Librarian?

Mr. E. Burdon: Very unlikely, Sir.

Mr. K. Ahmed: Are the Government aware that the Librarian is drawing a huge salary, and the work done by him is very little in comparison with the pay that he gets every month? Do Government realise the situation?

Mr. E. Burdon: I am afraid I must ask for notice.

ALLOWANCE GRANTED TO THE WIFE OF SRIJUT SATYENDRA CHANDRA MITRA, A STATE PRISONER.

675. ***Syed Majid Baksh:** (a) Are Government aware that Shrimati Uma Mitra, wife of Sjt. Satyendra Chandra Mitra, M.L.C., who has been confined in the Mandalay Jail without trial, submitted a petition to the Secretary, Home Department, on the 11th November, 1925, in respect of the allowance granted to her as family allowance of prisoners under Regulation III of 1818?

(b) Is it a fact that the Government granted Shrimati Uma Mitra an allowance of Rs. 80 per month only from July, 1925, and not from October, 26th, 1924, the date of the arrest of her husband, Sjt. Satyendra Chandra Mitra?

(c) Did the petitioner request the grant of her allowance from the date of the arrest of her husband?

(d) Will the Government explain what objection there is to the allowance being granted to her for a few more months intervening between her husband's arrest and the actual granting of the allowance?

(e) Do the Government intend to grant the allowance from the date of the arrest?

The Honourable Sir Alexander Muddiman: The State prisoner in question is detained under the Bengal Criminal Law Amendment Act and, under section 21 of that Act, the amount of the allowance is a matter for the discretion of the Local Government. I may explain, however, that the Government of India and the Local Governments, in cases in which they are respectively primarily concerned, are fully prepared to receive representations in these matters from détenus and their relatives. They are not, however, prepared to make any public statements on the subject, as these would necessarily involve reference to the private affairs of détenus to which they would not be justified in giving publicity.

Syed Majid Baksh: Does the Honourable Member think that if the Government were to give to that poor lady an allowance from the date of her husband's arrest, they will become poorer?

The Honourable Sir Alexander Muddiman: They will be somewhat poorer, Sir. (Laughter.)

Syed Majid Baksh: Is it not a piece of niggardliness on the part of Government that they should avoid giving a small sum to this lady and refrain from showing any compassion to her?

The Honourable Sir Alexander Muddiman: I am quite prepared to receive a representation from the lady, but I am not prepared to discuss across the floor of the House the private affairs of this lady.

Mr. A. Rangaswami Iyengar: Have the Government received a representation from this lady? If so, have they considered the question of the increase of the allowance, and with what result?

The Honourable Sir Alexander Muddiman: I am prepared to say that I am in correspondence with the Government of Bengal on this subject.

Syed Majid Baksh: May, I say, Sir, that the Captain of the German Cruiser "Emden" showed more chivalry than our Government?

Mr. President: Order, order.

GRANT OF AN ENHANCED ALLOWANCE TO THE WIFE OF SERJUT
SATYENDRA CHANDRA MITRA, A STATE PRISONER.

676. ***Syed Majid Baksh:** (a) Are Government aware that Sjt. Satyendra Chandra Mitra is a vakil of the High Court and a zemindar of the Noakhali district and that an allowance of Rs. 60 per month is quite inadequate for the maintenance of his wife?

(b) Are Government prepared to consider the desirability of increasing the allowance of Shrimati Uma Mitra?

The Honourable Sir Alexander Muddiman: I invite attention to the reply I have just given to the preceding question.

APPOINTMENT OF MUHAMMADANS IN THE PROVINCIAL JUDICIAL SERVICE,
BENGAL.

677. ***Syed Majid Baksh:** (a) Are Government aware that the Government of Bengal have recently accepted it as a principle that in future 45 per cent. of the appointments in the provincial and subordinate services should be given to Mussalmans?

(b) Are Government aware that under the provisions of the Bengal, North-West Province and Assam Civil Courts Act of 1887, the Bengal Government have no hand in the appointment of Munsiffs and Sub-Judges which is practically entirely done by the High Courts?

(c) Do Government propose to issue definite instructions to the Calcutta High Court to accept the 45 per cent. rule in the matter of the appointment of Munsiffs and Sub-Judges?

The Honourable Sir Alexander Muddiman: (a) The statement of the Honourable Member is not quite accurate. The Bengal Government have, I understand, reserved the right to give preference to Muslims in filling 45 per cent. of the vacancies to be filled by direct appointment provided that candidates with qualifying marks are available.

(b) So far as I am aware Subordinate Judges are appointed by the Local Government. Munsifs are also appointed by them on the nomination of the High Court.

(c) No. The Government of India understand the question is under the consideration of the Bengal Government.

PAY, PROSPECTS AND PENSIONS OF GAZETTED OFFICERS OF THE POST
OFFICE.

678. ***Colonel J. D. Crawford:** 1. Will Government be pleased to state what action, if any, has been taken on the memorials submitted by gazetted officers of the Post Office, namely, Superintendents, Assistant Directors General, Deputy Postmasters General, and Postmasters General, during the past five years, regarding their pay, prospects and pensions, as well as on the representations of the Postal Officers' Association on the subject?

2. Is it a fact that the salaries of these officers have not been raised in relation to the growth of postal business during the past fifty years, and in proportion to the pay of the subordinate staff, whose numbers have increased enormously during the period and whose pay in some instances is greater than that of the supervising officers to whom they are subordinate?

3. Are Government aware that the salaries of Provincial District Officers were revised to a higher scale than that recommended by the Islington Commission after the report of that body was published, owing to the increase in the cost of living during the past ten years whereas Superintendents of Post Offices who were classed in the same category in the Islington Report were not similarly benefited?

The Honourable Sir Bhupendra Nath Mitra: 1. As the reply to the first part of the question is a lengthy one a statement giving the information asked for is being sent to the Honourable Member.

2. Yes, but the salaries of these supervising officers have no direct relation to the growth of postal business or the increase in the pay of subordinates. The actual pay of a non-gazetted subordinate in the selection grade may at times be more than that of his Divisional Superintendent who, however, holds the superior status of a gazetted officer. This is not an uncommon feature of Government service.

3. The present time-scale of pay sanctioned for Superintendents of Post Offices also is appreciably better than that recommended by the Public Service Commission and in fixing it the rise in the cost of living since the report of that body was published was taken into consideration. I may add that the question of a further improvement in the scale of pay of this class is now receiving the attention of Government.

**PAY OF DEPUTY POSTMASTERS GENERAL, ASSISTANT DIRECTORS
GENERAL AND SUPERINTENDENTS OF THE POST OFFICE.**

679. ***Colonel J. D. Crawford:** (a) Are Government aware that the minimum and maximum pay of Deputy Postmasters General and Assistant Directors General is practically the same as it was twenty years ago?

(b) Is it a fact that the Director General of Posts and Telegraphs recommended increased scales of pay for Superintendents of Post Offices, Deputy Postmasters General and Assistant Directors General over five years ago and that the proposals were favourably considered by the late Honourable Member in the Commerce Department but that no concession as proposed was granted to the officers who have been informed at different times since that Government cannot "at present" revise their salaries or reopen the question?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Certain proposals were made by the Director-General but they were not accepted by Government. A proposal to increase the scale of pay of Superintendents is now under consideration of Government.

PAY OF DEPARTMENTAL POSTMASTERS GENERAL OF THE POST OFFICE.

680. ***Colonel J. D. Crawford:** Are Government aware that the Islington Commission in their Report drew an analogy between the Post Offices and Finance Departments, where a proportion of the higher administrative appointments are held by selected members of the Indian Civil Service, and definitely stated that the latter should have no special privileges in the matter of salary or status? If so, will Government be pleased to state why a differentiation has since been made in favour of this class of officer to the disadvantage of departmental Postmasters General whose maximum pay and pension has in consequence not been increased as compared with Accountants General and heads of other Departments?

The Honourable Sir Bhupendra Nath Mitra: The reply to the first part of the question is in the affirmative.

With regard to the second part the Government of India decided in 1921 that in order to attract recruits from the Indian Civil Service for Postmaster-Generalships it would be necessary to allow them to continue on the time-scale of pay sanctioned in 1919 for the I. C. S. with an addition of Rs. 250 per mensem. A similar arrangement could not obviously be adopted for departmental Postmasters-General nor could it have possibly affected their pension.

EMPLOYMENT OF THE MILITARY RESERVE OF THE INDIAN MEDICAL SERVICE IN THE CIVIL MEDICAL DEPARTMENTS.

681. ***Dr. K. G. Lohokare:** Will Government be pleased to say:

- (a) if they have noticed the publication of a circular in the *Hindustan Times* of the 24th instant purporting to have been sent by the Government of India to all Local Governments regarding the employment of the military reserve of the Indian Medical Service on the civil side on a racial basis;
- (b) if the contents of the publication in the paper are substantially correct;
- (c) if they intend to give this Assembly an opportunity to discuss the question before they submit their views to the Secretary of State for India, and if so, when;
- (d) if they have already sent in a communiqué on the question to the Secretary of State, and if so, whether they will be pleased to lay a copy on the table, and whether they will yet give an opportunity for an expression of opinion on this question by this House and, if so, when;
- (e) if they have received representations or telegrams from medical unions in India on the question; and
- (f) what action they propose to take further in the matter?

Mr. E. Burdon (on behalf of Mr. J. W. Bhore): The Honourable Member is referred to my replies given on the 1st February, 1926, to the supplementary question to Honourable Member's question No. 489.

Dr. K. G. Lohokare: No answer has yet been given to part (f) of my question which runs as follows:

"What action they propose to take further in the matter?"

Mr. E. Burdon: So far as my recollection goes, Sir, Mr. Bhore said that at the present moment Government are not in a position to make any pronouncement on the subject.

Dr. K. G. Lohokare: Have they taken any action?

Mr. E. Burdon: "Pronouncement" covers the question of action.

NUMBER OF POLITICAL PENSIONERS IN BURMA.

682. ***U. Hla:** (a) Will the Government be pleased to state the number of political pensioners in Burma?

(b) Will the Government be pleased to lay on the table a statement giving the names of these pensioners with the amount of pension each draws per month?

(c) Are there any Burmese political pensioners outside Burma? If so, will the Government please mention them with their respective pensions?

Sir Denys Bray: The information is being collected and will be furnished to the Honourable Member in due course.

CONSTRUCTION OF A DOUBLE RAILWAY LINE BETWEEN RANGOON AND MANDALAY.

688. ***U. Hla:** (a) Will the Government be pleased to state at what stage the proposal for a double line from Rangoon to Mandalay stands?

(b) Is it the intention of Government to construct a double line between Rangoon and Mandalay? If so, when will the construction be completed?

Mr. G. G. Sim: (a) The Government have no proposal under consideration for doubling the whole section Rangoon to Mandalay. The Honourable Member is referred to page 57 of the last issue of the History of Indian Railways, which shows what portions have been doubled up to 31st March, 1924. The double line between Pyuntaza and Pyu has since been opened for public traffic, and work on doubling the line between Pyu and Kyungon is in hand.

(b) Government are unable to say when the whole section will be doubled, as they have not at present any intention of doubling north of Kyungon.

REDUCTION IN THE FREIGHT ON COAL.

684. ***Mr. Kasturbhai Lalbhai:** Will the Government be pleased to place on the table the correspondence between the Commerce Department and the President of the Tariff Board regarding the reduction in the freight on coal?

The Honourable Sir Charles Innes: The Honourable Member is referred to the reply given in this Assembly on the 27th. January last, to Khan Bahadur Sarfaraz Hussain Khan's question No. 318 on the same subject.

REDUCTION IN THE FREIGHT ON COAL.

685. ***Mr. Kasturbhai Lalbhai:** (a) Will the Government be pleased to state what action they have taken on the Resolution regarding reduction in the freight on coal over long distance traffic passed by the Council of State on the 15th September, 1925?

(b) If no action has been taken will they please explain why?

The Honourable Sir Charles Innes: (a) and (b). The matter has been considered in consultation with the Indian Railway Conference Association, but I am not prepared to make any statement at this stage.

REDUCTION IN RAILWAY FARES AND FREIGHTS.

686. ***Mr. Kasturbhai Lalbhai:** Will the Government be pleased to state when it is proposed to announce the reduction in fares and freights indicated in the speech of His Excellency the Viceroy?

The Honourable Sir Charles Innes: I would suggest that the Honourable Member should await the Explanatory Memorandum of the Railway Budget for the year 1926-27, which will be presented to the House next week.

POWERS AND FUNCTIONS OF THE PROPOSED RATES TRIBUNAL.

687. ***Mr. Kasturbhai Lalbhai:** (a) Will the Government be pleased to state what advice was given by the Advisory Council to the Railway Board regarding the appointment of a Rates Tribunal?

(b) Is it a fact that the Acworth Committee recommended the appointment of a Rates Tribunal with statutory powers?

(c) If so, will Government be pleased to state the grounds on which they have decided to make the Tribunal merely an advisory body?

(d) Are the Government aware that industrial and commercial opinion in the country is against the appointment of a Rates Tribunal merely as an advisory body?

The Honourable Sir Charles Innes: The Acworth Committee expressly refrained from going in detail into the powers and functions of the proposed Rates Tribunal, but since they suggested an appeal from the Tribunal to the Governor General in Council, it is probable that they intended some kind of statutory body. As I informed the House the other day, Government have decided to constitute a body as an advisory body in the first instance with the concurrence of the Central Advisory Council. It was thought that until experience had been gained, this was the right method of proceeding. I am not aware of the facts alleged in part (d) of the Honourable Member's question, but I have had one telegram on the subject from the body which the Honourable Member represents.

EXTENSION TO THE BOMBAY PRESIDENCY OF THE SYSTEM OF HALF RATES FOR TELEPHONE TRUNK CALLS BETWEEN 7 P.M. AND 8 A.M.

688. ***Mr. Kasturbhai Lalbhai:** Will the Government be pleased to state why the facility of charging half rates for telephone trunk calls between 7 P.M. and 8 A.M. is not provided for between Bombay and Ahmedabad and Bombay and Surat—Broach and other towns in the Bombay Presidency?

Mr. G. P. Roy: The system of half rates for telephone trunk calls between certain hours has only been introduced as an experimental measure in Northern India. The question of extension of the system will be considered as soon as the financial results of the experiment are known.

IMPOSITION OF TERMINAL LEVIES BY RAILWAYS.

689. ***Mr. Kasturbhai Lalbhai:** Will the Government be pleased to state whether the different Railways are empowered to charge the terminal levy as they think fit or is any sanction of the Railway Board necessary?

Mr. G. G. Sim: Section 45 of the Indian Railways Act, 1890 (IX of 1890), empowers Railways to charge reasonable terminals.

IMPOSITION OF SPECIAL LEVIES BY RAILWAYS FOR THE MAINTENANCE OF ROADS IN RAILWAY YARDS.

690. ***Mr. Kasturbhai Lalbhai:** Are the railway companies entitled to impose special levies for maintaining roads in railway yards?

Mr. G. G. Sim: So far as Government are aware, Railways do not impose such levies, but the maintenance of roads in railway yards may be taken into consideration as part of the cost of providing terminal facilities.

AMOUNTS REALISED FROM THE TERMINAL CHARGE ON COAL AT AHMEDABAD, KANKARIA AND ASARVA.

691. ***Mr. Kasturbhai Lalbhai:** (a) Is it a fact that the terminal charge on coal has been raised from 2 annas to 6 annas during the last five or six years at Ahmedabad, Kankaria and Asarva?

(b) Will the Government be pleased to give details of the amounts realised under the terminal charges at the stations of Ahmedabad, Kankaria and Asarva since the year 1920 and how they were disbursed?

Mr. G. G. Sim: (a) Yes, it was enhanced in 1922.

(b) Government are not in possession of the details asked for. Any amounts so collected are treated as Railway Revenue.

GRANT OF PERMISSION TO THE STENOGRAPHER OF THE CHIEF ENGINEER OF TELEGRAPHS TO SIT FOR THE EXAMINATION FOR A SUPERINTENDENTSHIP OF POST OFFICES.

692. ***Mr. Amar Nath Dutt:** Is it a fact that the stenographer of the Chief Engineer of Telegraphs, being also a very junior official, was permitted to sit for the examination for a Superintendship of Post Offices in 1924 on the special recommendation of his officer to the detriment of the claims of several senior and efficient M. A. clerks of the office of the Director General, Posts and Telegraphs, and that just after passing the examination he is being permitted occasionally to officiate as Superintendent in supersession of the claims of many already passed officials of the Post Office? If so, why?

The Honourable Sir Bhupendra Nath Mitra: Yes, because he was considered suitable for an appointment as Superintendent of Post Offices. He was given an officiating appointment in the Central Circle for a short period when no "passed" official was available in that Circle.

GRANT OF PERMISSION TO THE STENOGRAPHER OF THE DIRECTOR OF WIRELESS TO SIT FOR THE EXAMINATION FOR A SUPERINTENDENTSHIP OF POST OFFICES.

693. ***Mr. Amar Nath Dutt:** Is it a fact that in the last examination for a Superintendship of Post Offices a stenographer of the Director of Wireless was allowed to sit in supersession of the claims of several senior and efficient M. A. clerks of the office of the Director General, Posts and Telegraphs? If so, why is such injustice being done repeatedly to far more educationally qualified men?

The Honourable Sir Bhupendra Nath Mitra: Yes, but I understand that four other senior qualified clerks were also allowed to appear.

GRANT OF PERMISSION TO A CLERK OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS TO SIT FOR THE EXAMINATION FOR A SUPERINTENDENTSHIP OF POST OFFICES.

694. ***Mr. Amar Nath Dutt:** Is it a fact that one only I. A. passed clerk of the office of the Director General, Posts and Telegraphs, who only on account of his having an elementary knowledge of French and because he happened to have coached the Deputy Director General in Calcutta to qualify in that language before he went with the delegation to the last

'Stockholm Postal Congress, has just been allowed to sit for the next examination for a Superintendentship of Post Offices to the detriment of the claims of still many more very efficient and senior M. A. clerks of that office?

The Honourable Sir Bhupendra Nath Mitra: I understand from the Director General that he has allowed a qualified clerk of the Foreign Post Branch of his office to sit for the next examination.

NOMINATION OF CANDIDATES FOR THE EXAMINATION FOR SUPERINTENDENTSHIPS OF POST OFFICES.

695. ***Mr. Amar Nath Dutt:** (a) Is it a fact that up to the time of Sir William Maxwell, a late Director General of Posts and Telegraphs, certain rulings were rigidly followed in nominating candidates to appear for the examination for Superintendentships of Post Offices—such as (1) educational qualification, (2) family connection, (3) feature and colour of the candidate?

(b) Is it a fact that those rulings are not strictly followed now and that in spite of there being no dearth of far more senior and educationally qualified men available in the office of the Director General, Posts and Telegraphs, their claims are intentionally and repeatedly overlooked and junior clerks of most ordinary merit and of inferior educational qualifications are favoured?

(c) Do Government propose thoroughly to overhaul the system of nominating candidates by the Director General for the next Superintendentship examination and give preference first to the officials of superior education and efficiency in the office of the Director General, Posts and Telegraphs, and thus remove the cause of grievance?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). No definite rules have been laid down. An official is selected for the examination not merely in consideration of his length of service or educational qualifications or family connection but also when it is proved by his past work and conduct that he is likely to become an efficient executive officer.

(c) Government do not propose to interfere with the discretionary power vested in the Director-General.

PAY OF THE "B" CADRE CLERKS OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

696. ***Mr. Amar Nath Dutt:** (1) With reference to part (a) of the starred question No. 686 of the 3rd September last in the Assembly will the Government be pleased to say whether it is a fact:

(a) that the 5 clerks of the office of the Director General, Posts and Telegraphs, referred to were drawing Rs. 61 on the 1st March, 1921, before revision?

(b) that on an identical appeal from them to His Majesty's Secretary of State, after their appeals to the Government of India were rejected, their pay was ordered to be fixed at Rs. 100 by that supreme authority?

(c) that thus neither did their case come within the scope of paragraph 5 or 6 of the Government orders in that connection nor was there any separate order taken by the Director General from Government?

- (d) that their pay was raised all at once by Rs. 39 in the third year of their services, i.e., they received an increase of 64 per cent. on the pay *plus* the war allowance they were drawing at the time?
- (e) that at the same time no consideration was given even on several appeals from the clerks who were much older in service, who were drawing Rs. 66 before the revision in the B cadre and who prayed that their pay in the revised scale might be fixed by giving 30 per cent. increase on their total emolument (Rs. 66) according to note 3 under article 155 of the Civil Service Regulations?
- (f) that thus by the denial of the benefit of their continuous acting allowance in the higher grade their pay was fixed at Rs. 74, i.e., they got only Rs. 8 by way of increase and not 30 per cent. on 1st March, 1921?
- (g) that had their continuous acting allowance been counted in fixing their initial pay in the B cadre on 1st March, 1921, their pay would have been fixed at Rs. 88, i.e., they would have got only an increase of Rs. 22 for their services ranging from 10 to 20 years?

(2) Did Government refer to the Secretary of State or do they propose to refer now to the Secretary of State for an authoritative interpretation of the Government orders at paragraph 6 in this case, as was done in the case of the officials mentioned at part 1 (b) above, consistent with the note 3 under article 155 of the Civil Service Regulations, so that an effective solution of the problem may at once be found and a remedy may be found for the grievances of the officials referred to at part 1 (c) above?

The Honourable Sir Bhupendra Nath Mitra: (1) (a). Yes.

(b) Yes.

(c) As stated in the reply to (a) of question No. 636 on the 3rd September 1925, the pay of these 5 graduate "A" class clerks was refixed at Rs. 100 according to the interpretation placed on paragraph 5 of the Government letter.

(d) Yes.

(e), (f) and (g). The Honourable Member's attention is drawn to the replies to his starred questions Nos. 636 (b) and 635 on the 3rd September, 1925, so far as "B" class clerks are concerned.

(2) No, because paragraph 6 of the Government letter gives a clear and authoritative ruling.

PAY OF THE "B" CADRE CLERKS OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

697. ***Mr. Amar Nath Dutt:** With reference to the answer given in reply to the starred question No. 634 in the Assembly on the 3rd September last will the Government be pleased to say whether:

- (a) the note 3 under article 155 of the Civil Service Regulations was not applied in the case of only certain B cadre clerks of the office of the Director General, Posts and Telegraphs, in whose case the 30 per cent. increase actually did not come about, and how that note became applicable in the case of certain A cadre

clerks, whose pay was also regulated according to article 88 (a) of the Civil Service Regulations notwithstanding the fact that the late Public Works Department in their U. O. note No. 195-P. & T., dated the 9th February, 1922, to the Director General asked for a list containing the names of clerks, evidently of the A. and B cadres, who were on 1st March, 1921, drawing acting allowance?

- (b) it is a fact that through a mistake, misunderstanding and oversight or, as it is understood, due to a misleading note of the then Office Superintendent of that office the names of the B cadre clerks, who were then drawing acting allowance, were not included in that list and thus the poor officials were deprived of the benefit?
- (c) the "adversely affected clerks", referred to in the answer to (b) of question No. 634, mean only those who suffered so-called loss of emoluments even on pay *plus* war allowance *plus* acting allowance and not those who did not get the 30 per cent. increase in the same way on pay *plus* war allowance *plus* acting allowance, and if so, why?
- (d) the Director General took upon himself the responsibility of interpreting the Government orders himself and did not take separate orders from Government in spite of the U. O. note referred to at (a) above in case of the B cadre clerks of his office in the same way as he did in favour of the A cadre clerks?
- (e) it was not a case of loss of emoluments in the case of the senior B cadre clerks, who were getting acting allowance and counted that allowance as part of their emoluments, in not having their pay increased actually by 30 per cent. on the salary they were drawing at the time on 1st March, 1921, as in the case of the A cadre clerks? If not, why not?
- (f) the fact that separate orders were taken from Government in favour of only the A cadre clerks as referred to at (d) above is not a case of modification of the Government orders in paragraph 5 of the Public Works Department letter No. 417-P. W., dated the 16th September, 1921? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Certain "A" class clerks and one "B" class clerk were given special concessions to protect them from loss of emoluments but their initial rates of pay in the new rules were not fixed with reference to the Civil Service Regulations. Other "B" class clerks, however, suffered no actual loss of emoluments and there was never any intention of making special concessions in such cases.

(b) No.

(c) "Adversely affected clerks" included only those who had to draw less than what they were actually getting on the 1st March, 1921, the date of introduction of the revised scales. All "B" class clerks (excepting one) on coming to the revised scale by the application of the percentage increase rule laid down in paragraph 8 of the Public Works Department letter actually got more than what they were getting under the old system. Paragraph 6 did not indicate that the actual increase should be 30 per cent. over and above the former emoluments (namely, pay, acting allowance, war allowance, etc.)

(d) and (e). Do not therefore arise.

(f) As stated in the answer to part (a) the orders in paragraph 5 of the Public Works Department letter in question were relaxed in favour of those "A" class clerks who would otherwise have suffered an immediate loss of emoluments. The orders in paragraph 6 of the same letter were similarly relaxed in favour of the only "B" class clerk who would otherwise have been adversely affected.

PAY OF THE "B" CADRE CLERKS OF THE OFFICE OF THE DIRECTOR-GENERAL OF POSTS AND TELEGRAPHS.

698. ***Mr. Amar Nath Dutt:** With reference to the answers to starred questions Nos 634 to 636 in the Assembly during the last September Session will the Government be pleased to say whether:

- (a) it is a fact that a list was prepared in 1921 by the Director General, Posts and Telegraphs, showing the increase and decrease of pay of the clerks of his office according to the Booth Committee's recommendations and that according to the proposed percentage increments respectively?
- (b) it is a fact that that list contained the names of certain senior B cadre clerks also whose pay was fixed at Rs. 74 on 1st March, 1921, under the alleged Government sanction and who would have got Rs. 89 according to the Booth recommendations?
- (c) it is a fact that if their acting allowance had been counted towards fixing their initial pay on 1st March, 1921, in the B cadre, as was done in favour of the A cadre clerks, their pay would have been fixed at Rs. 88?
- (d) it is a fact that two of the then B cadre clerks of the Director General's office, Messrs. M. N. Ganguly and B. N. Sinha, had their initial pay fixed in the revised scale, even without any appeal from them, by a modification of paragraph 6 of the Government orders, whereas the other cases of the B cadre clerks, who were drawing continuous acting allowance were not considered even on repeated appeals from them?
- (e) the Government propose to remedy the legitimate grievances of the affected B cadre clerks on the analogy of the case of Mr. Munshi Ram referred to in the answer to question No. 135 on the 18th February, 1925, in this Assembly?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Yes.

(c) Yes.

(d) The cases of Messrs. M. N. Ganguly and B. N. Sinha had specially to be taken into account because they were adversely affected and had to be protected from actual loss of emoluments.

(e) As the Government of India do not consider that the "B" class clerks of the Director-General's office have a legitimate grievance the answer to this part of the question is in the negative. As explained in the reply given to (c) of question No. 637 on the 3rd September last, the case of Mr. Munshi Ram is not analogous to that of the "B" class clerks of the Director-General's office.

**GRANT OF AN EXTRA ALLOWANCE TO POSTAL CLERKS OF ALL MOFUSSIL
HEAD OFFICES IN BENGAL AND ASSAM FOR POSTING INTEREST
IN SAVINGS BANK LEDGERS.**

699. ***Mr. Amar Nath Dutt:** (a) Has the attention of the Government been drawn to the letter No. E.-9-53/L., dated 1st September, 1925, from the Postmaster General, Bengal and Assam, to the address of the Secretary, Provincial Postal and Royal Mail Service Association, Bengal and Assam, in which it has been said that the question of granting extra allowance to the clerks of mofussil head offices for posting interest in the Savings Bank ledgers is under consideration?

(b) Have the clerks in mofussil head offices to work less than the clerks in the Calcutta General Post Office? If not, why is the extra allowance not granted to them for overtime work while such allowance is granted to the clerks of the Calcutta General Post Office, as stated in the reply to question No. 1062 on the 3rd March, 1925?

(c) Have Government taken any action to provide an adequate number of clerks in accepting the recommendations of the Retrenchment Committee that the Post Office is working undermanned?

(d) Do the Government propose this year to give an extra allowance to the clerks of all head offices in Bengal and Assam, who are required to post interest in Savings Bank ledgers in consideration of the Postmaster General's letter and the recommendations of the Retrenchment Committee?

The Honourable Sir Bhupendra Nath Mitra: Government have not seen the letter referred to. I have called for the papers and shall have the matter looked into

**GRANT OF LIGHT AND OVERTIME ALLOWANCE TO THE POSTMEN OF
DACCA.**

700. ***Mr. Amar Nath Dutt:** (a) Has the attention of the Government been drawn to the *Bengalee*, a daily paper published in Calcutta, under date 25th December, 1925, dealing with overtime work of the clerks in the post office and the postmen of the Dacca town?

(b) Is it a fact that the Calcutta mails are due at Dacca at 14-10 hours and that the delivery is due at 16 hours?

(c) Is it a fact that owing to late arrival of the steamers at Narayanganj the mails are unusually delayed and delivery is made at or about 17 hours during the winter season and that no light is supplied to the postmen?

(d) Is it a fact that the postmen have therefore to work overtime at night without a light?

(e) Is it a fact that on account of the late arrival of the Calcutta mails the postmen, Mymensingh, have been provided with hurricane lanterns and have been sanctioned a light allowance but that the case of the postmen, Dacca, has been ignored for the last year?

(f) Do the Government propose to sanction light and overtime allowance for the postmen, Dacca, in case they are required to be detained over 16 hours for delivery of articles?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). Yes.

(c) In the winter months, delivery is usually given out between 16 and 17 hours. Light allowance for the postmen has been sanctioned.

(d) and (e). Do not therefore arise.

(f) It is not proposed to grant overtime allowance to the postmen of Dacca.

GRANT OF AN OVERTIME ALLOWANCE TO CLERKS EMPLOYED IN THE
DACC A POST OFFICE.

701. ***Mr. Amar Nath Dutt:** (a) Will the Government please state the number of parcels (registered, insured and unregistered) posted at Dacca during the months of November, December and January in the years 1924, 1925 and 1926 and the number of clerks entertained for posting the articles?

(b) Is it a fact that the daily number of the articles exceeded 2,000 and the clerks were compelled to work till dead of night and no step was taken to redress the grievances although the attention of the circle officer was drawn to these matters by the District Postal and Royal Mail Service Association?

(c) Is it a fact that the Postmaster, Dacca, submitted proposals for a temporary increase of the staff?

(d) Is it a fact that every year the work in the Parcel, Registration and Sorting Departments at Dacca is heavily increased and that the clerks and packers are compelled to overwork in the winter season?

(e) Do the Government propose to sanction an adequate number of extra clerks and to grant overtime allowance to the clerks who are required to work in excess of the time prescribed in the existing time test?

The Honourable Sir Bhupendra Nath Mitra: (a)

November, 1924	...	...	...	11,762
December, 1924	...	...	...	32,749
January, 1925	...	...	...	26,879
November, 1925	...	...	...	23,685
December, 1925	...	...	...	33,950
January, 1926	...	...	...	27,249

Seven permanent and two temporary clerks were employed in the Parcel Department.

(b) The daily average number of parcel mail articles exceeded 2,000 in the first part of December, 1925, and two temporary clerks have been sanctioned. No report or representation that the clerks had to work till late at night was received either from the clerks or from the District Postal and Railway Mail Service Association.

(c) Yes.

(d) The work in the Parcel and Registration Departments increases in the winter season and temporary clerks are sanctioned when necessary.

(e) Statistics are being collected to see what extra staff is justified. It is not proposed to grant any overtime allowance.

ARRANGEMENTS FOR KEEPING POST OFFICE BUILDINGS NEAT AND
CLEAN.

702. ***Mr. Amar Nath Dutt:** (a) Will Government please state the existing arrangements for keeping the Post Office buildings in neat and clean order?

(b) Are the postmen and the employees of the inferior service required to sweep the office buildings by the rules which govern their duties? If not, are the Government aware that the postmen and employees of the inferior service are made to sweep the office buildings?

(c) If so, do Government propose to grant an allowance to those employees for sweeping the Post Office buildings?

The Honourable Sir Bhupendra Nath Mitra: (a) In the larger post offices sweepers are employed to keep the buildings neat and clean. In the smaller post offices where menials are not available the long standing practice of the Department is that the postman, the village postman, or the runner performs the menial work. In offices where this cannot be done owing to special reasons such as caste prejudice, etc., the postmaster makes his own arrangement to keep the office neat and clean.

(b) The answer to the first part is in the negative and to the second in the affirmative.

(c) No.

CASE OF BABU KAMAKSHYA CHARAN DE BHOWMIK, A PROBATIONER
IN THE POSTAL DEPARTMENT.

703. ***Mr. Amar Nath Dutt:** (a) Is it a fact that certain probationers were discharged from service in accepting the recommendations of the Postal Inquiry Committee?

(b) Is it a fact that in consideration of the injustice done to them they were taken back in the list?

(c) Is it a fact that Babu Kamakshya Charan De Bhowmik is a probationer in the list of the Dacca Division since 1920?

(d) Is it a fact that the Director General of Posts and Telegraphs has recently issued an order for examination of the candidates for probationerships to be held by the Divisional authorities and in his orders the probationers already in the list have been exempted from this examination?

(e) Is it a fact that in defiance of the orders of the Director General, Babu Kamakshya Charan De Bhowmik has been compelled to undergo an examination?

(f) Is it a fact that as a result of the examination his name has been placed at the bottom of the list of new recruits?

(g) Do Government propose to put his name at the top of the list and give him the first opportunity of getting an appointment?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Those who were anxious to rejoin the Department were taken back.

(c), (e), (f) and (g). Government have no information. If the individual referred to has a grievance, he is at liberty to appeal in the usual manner.

(d) No. A system of examination has been introduced by the Postmaster-General, Bengal and Assam, with the Director-General's approval, in which old probationers are not ordinarily required to appear.

PERMISSION OF MOTOR AND OTHER VEHICULAR TRAFFIC OVER THE GHAGAR RAILWAY BRIDGE.

704. *Lala Duni Chand: 1. Is it true that railway bridges at several places on different railway lines have been made available for motor and other traffic?

2. If so, do Government propose to extend the same privilege to motor traffic over the Ghagar Railway bridge between Ghagar and Chandigarh railway stations?

Mr. G. G. Sim: (1) Yes.

(2) There is no proposal at present to allow motor or other vehicular traffic over the Ghagar railway bridge which is unsuited for this purpose. The use of railway bridges for road traffic is a source of danger to the public and, unless the bridge is specially designed for this purpose, it cannot ordinarily be permitted.

RATE OF INTEREST ON DEPOSITS IN POSTAL SAVINGS BANKS.

705 *Dr. K. G. Lohokare: 1. Will Government be pleased to say:

(a) if they have concluded their inquiry into the cost of the Savings Bank working of the Postal Department, and if so what is the annual cost; and

(b) if they are considering the question of fixing the Postal Savings Bank rate nearer to what prevails in the Imperial Bank Savings Bank Department?

2. When will they be prepared to make an announcement in the matter?

The Honourable Sir Basil Blackett: (a) and (b) The answer is in the negative.

Dr. K. G. Lohokare: Does this mean, Sir, the Government intend to collect in this way an additional indirect tax from persons depositing with the Postal Savings Bank?

The Honourable Sir Basil Blackett: The answer to that question is also in the negative.

DEMURRAGE AND WHARFAGE CHARGES FOR INWARD GOODS AT POONA, SHOLAPUR AND NASIK ON THE GREAT INDIAN PENINSULA RAILWAY.

706. *Dr. K. G. Lohokare: 1. Will Government be pleased to say:

(a) if they have inquired into the trouble and loss merchants are put to on account of a shorter time free period and heavy demurrage and wharfage charges for inward goods at Poona, Sholapur and Nasik on the Great Indian Peninsula Railway?

(b) if there is any substantial increase in traffic at the inward goods shed and a substantial increase in lethargy on the part of the merchants to remove their goods at these stations? If so, what are the figures of goods inward traffic at these stations for a period of three years before and after the new rates of short free time and heavy demurrage charges came into force?

2. Do the Government propose to consider the advisability of asking the Great Indian Peninsula authorities to discontinue the aforesaid heavy impositions at the earliest opportunity?

Mr. G. G. Sim: As the Honourable Member is aware, Government have been in correspondence with the Agent on this subject. The practice in regard to free time is particularly liberal on the Great Indian Peninsula Railway. In most stations longer free time is allowed than is ordinarily the case on State Railways. It must be recognised that the Railway Administration must be guided largely by local conditions in arranging details of this kind and the Government of India cannot undertake to issue specific instructions regarding particular stations.

Dr. K. G. Lohokare: Is it a fact that all the merchants have complained that the charges at these stations are exorbitant?

The Honourable Sir Charles Innes: I may mention that the charges at the stations mentioned are the same as the charges that are levied on State Railways generally.

Dr. K. G. Lohokare: May I know, Sir, if, from the change that has taken place from 1914, during the War, they have found out that these charges have been unduly levied at these stations?

The Honourable Sir Charles Innes: I am not quite sure what the Honourable Member means.

Dr. K. G. Lohokare: May I have the statistical figures of traffic that I have asked for?

The Honourable Sir Charles Innes: The Honourable Member may take it from me that these stations are particularly busy stations and therefore it is necessary to clear goods sheds with as little delay as possible.

Dr. K. G. Lohokare: Have they become busier since 1914, since the higher charge was levied?

The Honourable Sir Charles Innes: That, Sir, is a question which I cannot answer.

REGISTERED GRADUATES AND UNIVERSITY ELECTORATES.

707. ***Dr. K. G. Lohokare:** Will Government be pleased to say:

- (a) if each Indian University keeps a register only of its own graduates:
- (b) if graduates of a University of one province residing in another province are admitted to the register of graduates of the University of the province in which such graduates reside:
- (c) if not, whether a graduate of a University residing in a province other than the province of his own University loses his right of voting for a candidate of a University electorate in the several provinces:
- (d) if they have inquired into the probable number of such graduates who cannot or do not reside in the province of the University to which they belong, and if not, if they propose to make such an inquiry: and
- (e) if they are prepared to consider the question of amending the electoral rules of all provinces so as to restore to such graduates their right of voting at University electorates?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) Yes; except in the case of the five original universities of Calcutta, Bombay, Madras, Allahabad and the Punjab; except also in the case of the Benares Hindu University. In all other cases graduates resident within the sphere of a university other than that from which they took their degrees can be admitted to the register of graduates of that university, subject in some cases to their taking *ad eundem* degrees.

(c) A registered graduate of a University, who changes his place of residence to a Province other than that in which the University is situated, does not forfeit his privileges *qua* registered graduate. In order to constitute a qualification as an elector further qualifications than that of being a registered graduate are usually required. I will take the cases in which the question arises, *seriatim*. There is a University qualification for electors in each province for the Council of State. That qualification is given not to ordinary registered graduates but to the members of one of the Governing Bodies of the University, and any person, who is a member of one of the specified Governing Bodies and resides in any province, is eligible as an elector for a constituency in the province in which he resides. The question does not arise in the case of the Assembly. It arises in the case of the Legislative Council in those provinces in which University constituencies have been established. Normally, a registered graduate, before he becomes eligible as an elector, must be of a certain number of years' standing. The number of years varies. Normally also, as we are dealing with the qualification of an elector for a constituency of the Legislative Council of the province, he is also required to have a place of residence in the province. The Madras University constituency of the Madras Legislative Council is an exception to this rule. But there, a graduate of over seven years standing of the University of Madras is qualified as an elector for the Madras University constituency if he has a place of residence in India.

(d) The answer is in the negative.

(e) The answer is in the negative.

REDUCTION OF FARES ON THE BARSİ LIGHT RAILWAY.

708. ***Dr. K. G. Lohokare:** 1. Will Government be pleased to say:-

- (a) if the Barsi Light Railway passenger fares are likely to be reduced in the near future:
- (b) what the passenger rates now prevailing are: and
- (c) whether the removal of the pontage of the Pandharpur bridge was taken into consideration in fixing the present rates?

2. Are the present rates similar to those prevailing on other narrow and metre gauge lines of other companies of similar lengths of line?

3. If not, why did the Government allow this company to charge higher rates?

Mr. G. G. Sim: 1. (a) Government have no information.

(b) I Class 28 pies per mile.

II Class 16 pies per mile.

III Class 4 pies per mile.

(c) No.

2. The maxima fares sanctioned for the Barsi Light Railway are the same as those sanctioned for railways generally.

3. Does not arise.

Dr. K. G. Lohokare: Is my Honourable friend certain that the Barsi Light Railway did not offer this excuse of the removal of the pontage of the Pandharpur Bridge at the time of fixing the latest rates?

Mr. G. G. Sim: Yes, Sir.

INABILITY OF THE PRINCESS TAIKSU-MYAT PAYA TO ATTEND THE FUNERAL OF THE LATE QUEEN SUPAYALAT.

709. ***U. Tok Kyi:** (a) Are the Government aware that the Burmese Princess Taiksu-Myat Paya is now travelling on foot from Kalimpong to Rangoon with her consort to pay her last respects to the remains of her mother, the late Queen Supayalat? Will the Government be pleased to find out how far she has reached on her way to Rangoon?

(b) Is it a fact that no facilities were given to her by the Government to attend the funeral of the late Queen in December last? If so, will the Government be pleased to state the reasons why?

Sir Denys Bray: (a) The only information available is that the lady and her husband left Kalimpong on the 31st December last and halted at a bungalow 6 miles from that place. As far as I know, she is still there.

(b) The Princess telegraphed on December 12th asking for an advance of Rs. 10,000 to enable her to attend the funeral ceremony which was then fixed to be held in Rangoon on the 13th. This request came too late, but further requests of a similar nature were subsequently received and finally on December 24th an advance of one month's pension (Rs. 500) was sanctioned. This, however, the lady refused.

EXPENDITURE ON THE BRITISH GARRISON IN INDIA.

710. ***Tok Kyi:** (a) Has the attention of the Government been drawn to the recent suggestion of Sir Reginald Craddock that the British taxpayer should be responsible for the expenditure on the British Garrison in India to an extent of £10,000,000 annually and that India in return should give preference to British goods?

(b) If so, do Government propose to adopt the suggestion?

Mr. E. Burdon: (a) Government have seen a statement to the effect that Sir Reginald Craddock has put forward such a suggestion. But they have no first hand information about it.

(b) Government have no intention of pursuing the suggestion.

Mr. B. Das: Is this not another instance of commercial bargaining by England?

Mr. E. Burdon: I leave it to the Honourable Member to say; it is a matter of opinion.

PROCEDURE FOLLOWED BY THE GOVERNOR GENERAL IN COUNCIL IN
CASES WHERE IT IS DECIDED TO MAKE USE OF BENGAL REGULATION
III OF 1818.

711. ***Mr. K. O. Neogy:** (a) Will Government be pleased to state in detail the procedure followed by the Governor General in Council in taking the determination to make use of Bengal Regulation III of 1818, in any particular case, as contemplated in the second Preamble to the said Regulation?

(b) Is it a fact that the initiative really comes from the Local Government; if not, to what extent does the opinion of the Local Government influence the determination referred to above?

(c) Is there any rule or recognised practice as to the frequency in which the grounds of such determination come under revision as contemplated in the third Preamble to the Regulation?

(d) Are the grounds of such determination formally recorded by Government, and supplied to each State prisoner as a rule? Do these grounds set out in detail the nature of the charges against each State prisoner, or are they only in general terms?

REPORT REGARDING THE WEALTH, COMFORT, ETC., OF STATE PRISONERS.

712. ***Mr. K. O. Neogy:** (a) Are Government prepared to publish, or lay on the table of the Library of this House, copies of all reports regarding the health, comfort, etc., of State prisoners, under sections 3 and 6 of Bengal Regulation III of 1818, and representations under section 5, together with orders of Government thereon, in the case of each State prisoner now under restraint?

(b) If not, are Government prepared to grant non-official Members of this House any other facilities for inspecting these reports, representations and orders?

INSTRUCTIONS ISSUED BY THE GOVERNMENT OF INDIA REGARDING
THE TREATMENT OF STATE PRISONERS IN JAIL.

713. ***Mr. K. O. Neogy:** (a) Have Government issued any general instructions to Local Governments for their guidance in the matter of treatment of State prisoners in jail? If so, will Government be pleased to lay a copy thereof on the table?

(b) If no such general instructions have been issued, how do Government expect any uniformity in the standard of treatment to be adopted by the different Provinces?

The Honourable Sir Alexander Muddiman: With your permission, Sir, I propose to give a single reply to the three general questions Nos. 711—713, regarding procedure under Bengal Regulation III of 1818.

The Governor General in Council only decides to make use of the Regulation after he has considered all the circumstances which are relevant to the decision of the particular case. When a Local Government is concerned in the issues under decision, the Local Government might well initiate action and would certainly be consulted before any decision to use the Regulation was taken. The actual procedure followed in each case must, however, necessarily be determined by the nature of the case.

Section 3 of the Regulation prescribes definite dates each year for the submission of reports on the conduct, health and comfort of prisoners in order to enable the Governor General in Council to determine whether the orders for their detention shall continue in force. In addition, reports are received periodically from the visitors appointed under section 4 and on any other occasion when a special report is required. Consequently, the circumstances of each prisoner are brought practically continuously before the Governor General in Council. It is also open to a prisoner at any time to make a representation under section 5 of the Regulation and any such representation is necessarily submitted to the Governor General in Council and is very carefully considered by him.

In regard to a formal record of the grounds of detention in each case, I would invite the Honourable Member's attention to the reply which I gave on the 26th January 1925, to Mr. Chanda's question No. 195. But I must point out that there is no provision of the Regulation requiring either that specific charges must be framed or that prisoners may be supplied with a copy of such charges.

In the matter of the publication of reports regarding the health, comfort, etc., of prisoners, I have nothing to add to the reply which I gave to the Honourable Member's question No. 57 on 22nd January 1925, except that the prisoners in whom the Honourable Member is specially interested are regularly visited by non-official visitors who see exactly how they are being treated and who are free to make any representations in the matter to Government.

I understand that the Honourable Member's anxiety about the uniformity of treatment relates particularly to the Bengali prisoners, and I wish to explain that the treatment of these prisoners, wherever detained, is regulated by certain rules which have been approved by the Government of India. I am not prepared to lay a copy of these Rules on the table for the reason that the publication of details regarding the routine of the prisoners' life is not in the interests of jail discipline and might facilitate unauthorised communications between prisoners and the outside world.

Mr. Devaki Prasad Sinha: Sir, are the materials supplied to the Central Government by Local Governments critically examined before the Central Government decide to take action against a person under Regulation III?

The Honourable Sir Alexander Muddiman: I have nothing to add to my reply on that point.

Mr. Devaki Prasad Sinha: Will the Government of India name any instance in which they have overruled the Local Government when they wished to take action under Regulation III?

The Honourable Sir Alexander Muddiman: I could name several instances, but I do not propose to do so.

Mr. A. Rangaswami Iyengar: May I know, when the Honourable Member said the Government are not bound to furnish to the prisoner detained under the Regulation any charges with a view to inviting him to explain, whether it is not a fact that the Governor General in his speeches as well as the Government of India in their communiqués have already laid down that with regard to prisoners detained under the Regulation, they had provided that their cases should be examined by certain judges?

The Honourable Sir Alexander Muddiman: It is very important that I should make myself quite clear on that point. I am answering a general question in regard to the general use of the Regulation. As the Honourable Member quite correctly states, a different procedure was adopted in regard to prisoners whom His Excellency the Governor General was referring to. I want to make it quite clear that Government are not in all cases committed to that procedure.

Mr. A. Rangaswami Iyengar: Am I to understand that, notwithstanding the enactment of the Bengal Criminal Law Amendment Act, and notwithstanding the procedure which the Governor General indicated to us last year, Government still adhere to the practice of detaining people without trial and without communicating to them the charges upon which they are detained?

The Honourable Sir Alexander Muddiman: It is quite obvious to the Honourable Member, who is trying to draw a very artful red herring across the path, that I am speaking in general terms in reply to a general question and that there is a class of persons within the mischief of the Regulation against whom it would be useless to frame charges.

Mr. A. Rangaswami Iyengar: May I know, Sir, what the difficulty is that the Government have in allowing Members of this Assembly to peruse the progress reports, the periodical reports which are received in regard to the health, comfort, etc., of these men?

The Honourable Sir Alexander Muddiman: I think I have already on several occasions replied to that.

Syed Majid Baksh: May I know from the Honourable Member whether without mentioning names or endangering personalities he will publish the reports of the C. I. D. against these gentlemen or lay them on the table?

The Honourable Sir Alexander Muddiman: I am afraid the Honourable Member was not present when we had our discussion on the point.

Mr. Devaki Prasad Sinha: Do Government take into confidence the Standing Committee of the Home Department and show them the rules which the Honourable Member has referred to?

The Honourable Sir Alexander Muddiman: I have not adopted that procedure.

Mr. K. O. Neogy: Do I take it the Honourable Member refuses to give non-official Members of this House any opportunity to examine the reports and other documents referred to in question No. 712?

The Honourable Sir Alexander Muddiman: Certainly. Yes, Sir.

CASE OF PERSONS DETAINED UNDER THE BENGAL CRIMINAL LAW AMENDMENT ACT.

714. ***Mr. K. O. Neogy:** (a) Is it a fact that a number of persons now under detention under the Bengal Criminal Law Amendment Act were originally arrested and imprisoned under Bengal Regulation III of 1818? If so, what is their number?

(b) Is it a fact that in their cases, orders for detention under the said Regulation were merely substituted by similar orders either under the Bengal Ordinance or under the Act, which has supplanted that Ordinance?

(c) Was the said substitution done with the concurrence of the Government of India? If so, on what grounds did the Government of India agree to the substitution?

(d) Were these persons declared to be free, so far as their detention under the Regulation was concerned, before orders were promulgated under the Ordinance or the said Act? If not, what procedure was adopted?

(e) Did the responsibility of the Government of India in regard to the nature of confinement, health, comfort and treatment, etc., of these persons, under Bengal Regulation III of 1818, cease as soon as the substituted orders under the Ordinance or the said Act were enforced? If so, what steps did Government take to assure themselves that in regard to the above matters the Local Government would be guided by the same considerations and would observe the same standard as the Government of India?

The Honourable Sir Alexander Muddiman: The 19 persons arrested in Bengal under Regulation III of 1818 on or after 25th October 1924, and, in addition, the 11 persons similarly arrested prior to that date, have been brought under the provisions of the Bengal Criminal Law Amendment Act. The substitution of orders under the Act for orders under the Regulation has been made with the concurrence of the Governor-General in Council. The procedure has been that when the Local Government has taken the necessary action under the Act the Governor General in Council has cancelled the warrants under the Regulation. The main reason for the substitution of orders under the Act for orders under the Regulation has been to leave it open to Government to relax, as the circumstances of each case may from time to time justify, the conditions of the detention. As the Honourable Member is possibly aware, prisoners detained under the Regulation must ordinarily be detained in jail whereas under the Act it is possible to require them to reside in their own villages or to allow an even greater measure of liberty.

The primary responsibility of the Governor General in Council in regard to the nature of confinement, health, comfort, etc., of persons in whose cases orders under the Act have been substituted for orders under the Regulation ceased as soon as these persons came under the Act, but the Governor General in Council has received the assurance of the Government of Bengal that all persons detained in jail under the provisions of the Act are treated in all respects similarly to prisoners detained under the Regulation.

Mr. K. O. Neogy: Was a specific undertaking given by the Local Government in that behalf?

The Honourable Sir Alexander Muddiman: I have said, Sir, I have received the assurance of the Government of Bengal.

Mr. K. O. Neogy: Have the Government of India done anything so far to satisfy themselves that the Government of Bengal have carried out their undertaking in this matter?

The Honourable Sir Alexander Muddiman: I have received assurances and I have examined cases, and I have every reason to believe, that the Bengal Government have proceeded to carry out their assurance in the fullest possible manner.

Mr. K. C. Neogy: Has the attention of the Honourable Member been drawn to the numerous complaints appearing in the press regarding the treatment of these prisoners?

The Honourable Sir Alexander Muddiman: I have already answered the question in great detail. I do see and peruse complaints in the press as to the treatment of these prisoners.

REDUCTION OF FARES ON THE BURMA RAILWAYS.

715 ***U. Tok Kyi:** (a) Is it a fact that passenger fares have been reduced on most of the Railways in India? If so, will the Government be pleased to state the reasons why the Burma railway fares have not been reduced?

(b) Is it a fact that the Government propose to reduce still further the fares of first and second class passengers on Indian Railways? If so, will the Government be pleased to state whether the case of third class passengers will also be considered in that connection?

Mr. G. G. Sim: (a) and (b). Passenger fares are being reduced on most Railways in India. The Burma Railways are considering whether similar reductions should not be made there.

CONTRACT WITH MR. LOVE FOR THE SUPPLY OF PORTERS AT THE HOWRAH RAILWAY STATION.

716 ***Mr. N. M. Joshi:** (a) Will Government be pleased to state how long Mr. Love, the labour contractor, will continue to work in that capacity on the Howrah railway station?

(b) Is it a fact that Mr. Love levies a monthly toll of Rs. 7 per head from each of 600 porters?

(c) Is it a fact that more than 200 licensed porters have to do *Begar* work (work without payment) for loading and unloading and removing passengers' booked luggage and parcels?

(d) Will Government be pleased to state whether they propose to abolish the contract with Mr. Love and employ officials to supervise the work of porters? If so, when?

Mr. G. G. Sim: (a) The contract is for no fixed period. It is terminable at the option of the Railway Administration.

(b) The license and other fees paid by the coolies amount to Rs. 7 per mensem.

(c) The Government do not know the authority for this statement. On the contrary licensed porters at Howrah are believed to earn considerable sums.

(d) The Railway Administration which has recently discussed the question with its Local Advisory Committee is satisfied with the working of the present system.

Mr. N. M. Joshi: May I ask, Sir, whether the Honourable Member says that no *Begar* work is taken from porters at the Howrah station for loading and unloading of passengers' booked luggage. Am I to understand that no work is taken without payment from the porters, as mentioned in clause (c) of my question?

The Honourable Sir Charles Innes: That was the intention of the answer, yes.

Mr. Chaman Lall: May I ask whether the Honourable Member does not consider it a hardship for these porters to be employed through a contractor to whom they pay Rs. 7 a month?

The Honourable Sir Charles Innes: I understand they make a great deal more than Rs. 7 a month and there is absolutely no difficulty in getting all the porters we want.

Mr. Devaki Prasad Sinha: What is the particular need for recruiting these men through a contractor? What is the difficulty in employing railway officials for this work?

The Honourable Sir Charles Innes: The experience of many railways is that by putting them in charge of a man who is responsible for them they get better supervision. That is the experience of many railways in India.

Mr. Devaki Prasad Sinha: Do Government think a railway official would not be able to exercise that supervision?

The Honourable Sir Charles Innes: As I have explained, many railways at many stations have found this to be the best system for getting effective supervision of their porters.

Mr. Chaman Lall: But are the Government aware that the porters at Howrah station have a particular grievance against this system?

The Honourable Sir Charles Innes: I am not aware of that. As I have already said, we can get as many porters as we require.

Mr. N. M. Joshi: May I ask whether Government have made inquiries before answering clause (c) of my question as to the practice in Howrah station?

The Honourable Sir Charles Innes: I will certainly look into the point again, if the Honourable Member will explain to me in the lobby what he is getting at?

Mr. Devaki Prasad Sinha: Has the attention of Government been drawn to articles appearing in newspapers, particularly in the *Amrita Basar Patrika* drawing attention to this subject?

The Honourable Sir Charles Innes: I have certainly seen many articles in the newspapers on many subjects and I am too old to believe all that is said in them.

Mr. Chaman Lal: May I ask the Honourable Member to look into this matter as it is a general grievance on all the railways and the matter has been referred to many times in the Press?

The Honourable Sir Charles Innes: I can assure the Honourable Member I have looked into it many times.

Mr. Chaman Lal: Will the Honourable Member look into it once again?

The Honourable Sir Charles Innes: I will certainly do so, Sir.

GRANT OF AN EXTRA ALLOWANCE FOR WORK ON SUNDAYS AND
GAZETTED HOLIDAYS TO INDIAN SUBORDINATES OF THE
EAST INDIAN RAILWAY.

717. ***Mr. Amar Nath Dutt:** Is it a fact that the Anglo-Indian and European subordinates on the East Indian Railway are granted an extra allowance for working on Sundays and gazetted holidays? If so, do Government propose to extend the same privilege to the Indian subordinates also?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to a similar question No 559 asked by Maulvi Muhammad Yakub on the 2nd February 1926.

HOUSE RENT ALLOWANCE OF EMPLOYEES OF THE EAST INDIAN
RAILWAY.

718. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the employees of the Oudh and Rohilkhand sections are granted house rent according to their pay as per Government rule?

(b) Is it a fact that the employees of the East Indian Railway are granted a fixed house rent of Rs. 3 a month irrespective of pay? Is it a fact that the guards on the East Indian Railway are granted a house rent of Rs. 3 when they are not provided with quarters? Is it also a fact that, when the quarters are provided for the guards, a rent is deducted from them according to their pay instead of the fixed sum of Rs. 3 only?

(c) If so, will the Government please state the reason for such anomaly in one and the same Railway? Do Government propose to extend the privileges enjoyed by the State Railway servants to the servants of the late East Indian Railway now taken over by the State? If not, why not?

Mr. G. G. Sim: (a) Certain classes of the staff under the rules are entitled to free quarters. Where these are not available a small allowance in lieu of the accommodation is granted under prescribed rules.

(b) and (c). The attention of the Honourable Member is invited to the answer given to a similar question No. 560 in the Legislative Assembly on 2nd February 1926. The Government have no detailed information as regards part (b) of the question but the Honourable Member will remember that the two Railways have only just been amalgamated.

TREATMENT OF CERTAIN STRIKERS BY THE EAST INDIAN RAILWAY.

719 *Mr. Amar Nath Dutt: (a) Is it a fact that the following strikers in the East Indian Railway in 1922 were either allowed to resume duty on a reduced pay or not allowed to resume duty although they attended their offices in time?

Name.	Designation.
Sovan	Driver.
Md Ishaq	"
Sukrullah	Shunter.
Abdul Gafoor	"
Abdul Rahman	Driver.
Chhotey	"
Ishaq	"
Jooman	"
Abdul Rahman	"
Dassi Ram	"
Fakir	"
Wali Mohd.	"
Narain	Shunter.
Mukund	Head Fitter.
Sukh Nandan	"
Katwaroo	Fireman.
L. B Bhattacharjee	Head clerk (Loco. .
Md. Tuffailullah	Guard, Dhanbad.
Dhani Ram	Station Master.
Md. Yasin	Guard.
Suraj Narain	"
S. F. Hussain	Asst. Head Ticket Collector, Moghalsarai.
S. M. Hussain	Ditto.
A. W. Khan	Signaller, Moghalsarai.
S. S. Pershad	"
Faqir Mohd.	Checking Clerk, Moghalsarai.
Mumtazur Rahaman	Ticket Collector, Moghalsarai.
Qutubuddin	General Assistant, Moghalsarai.

(b) Is it a fact that they were forced to resign by threats of dismissal?

(c) Is it a fact that their gratuity has also been forfeited for this very reason? If so, will the Government please state the reasons for the forfeiture of the gratuities of these servants?

(d) If the reply to (a) and (b) be in the affirmative, do Government propose to reinstate these men in their former posts on their former pay? If not, why not? Do the Government propose to grant gratuities to these men for their services till they joined the strike? If the answer be in the negative, will the Government please state the reason?

The Honourable Sir Charles Innes: The Government of India have no detailed information and they cannot undertake to reopen cases settled four years ago.

DISCHARGE OF HARI PADA DEY, WRITER OF THE P. W. I., IKRAH, EAST INDIAN RAILWAY.

720. *Mr. Amar Nath Dutt: (a) Is it a fact that one Hari Pada Dey, writer of the P. W. I., Ikrah, East Indian Railway, was discharged after putting in 18 years' service under paragraph 2 of his agreement?

(b) Is it a fact that the S. D. E. Ondal entered into the quarter of this man, in his absence on the 17th August, 1925, where his family was stopping, and he reported the matter to the Chief Engineer for necessary action?

(c) Is it a fact that for this very reason the man was discharged by the Divisional Superintendent, Asansol, on the recommendation of the S. D. E.?

(d) Is it a fact that the Chief Engineer ordered the reinstatement of this man in his letter No. 26828-G E.—36, dated 13th October, 1925, but the Divisional Superintendent was not disposed to carry out the orders of the Chief Engineer as per S. W. W., Asansol, letter No. 14216-P. F., dated 4th November, 1925?

(e) Is it a fact that his gratuity has also been forfeited? If it is a fact, do the Government propose to reinstate the man and call for an explanation from the Divisional Superintendent for ignoring the orders of the Chief Engineer? If not, will Government please state the reason?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to a similar question No. 621, asked by Khan Bahadur Sarfaraz Hussain Khan on the 2nd February, 1926.

TRAIN CONTROLLERS ON THE EAST INDIAN RAILWAY.

721 *Mr. Amar Nath Dutt: (a) How many train controllers are there on the East Indian Railway? What is the proportion of Indians, Anglo-Indians and Europeans on these posts? What are the scales of pay for Anglo-Indians, Europeans and Indians? Is the nature of the duties the same as that performed by Indians and non-Indians?

(b) Are Indians provided with an equal type of quarter to that supplied to non-Indians?

(c) Is it a fact that the scale of pay of Indian controllers on the Oudh and Rohilkhand section is Rs. 200 plus Rs. 20 house rent rising to Rs. 300?

(d) Is it a fact that the traffic on the East Indian Railway is heavier than that on the Oudh and Rohilkhand section and the controllers have to perform more tedious and responsible work than any other on the Oudh and Rohilkhand section? If so, do Government propose to extend the same pay and privileges to the Indian controllers employed on the East Indian Railway? If not, will Government please state the reason?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to unstarred question No. 89, asked by Maulvi Muhammad Yakub on the 2nd February, 1926.

PAY OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

722. *Mr. Amar Nath Dutt: Is it a fact that the maximum pay of "A" class station masters and assistant station masters on the Eastern Bengal, North Western and East Indian Railways is Rs. 80 and Rs. 76,

respectively, whereas on the Oudh and Rohilkhand section of the East Indian Railway the pay of station masters and assistant station masters has been revised to Rs. 75 and 55, respectively? If so, do the Government propose to raise the scale of the Oudh and Rohilkhand Railway staff also according to the sister Railways' scale? If not, why not?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to unstarred question No. 90, asked by Maulvi Muhammad Yakub on the 2nd February, 1926.

ABOLITION OF THE POSTS OF BRAKESMAN ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

723. ***Mr. Amar Nath Dutt:** Is it a fact that many posts of brakesman have been abolished on the Oudh and Rohilkhand section of the East Indian Railway and that the guards alone are working the passenger trains? Is it not dangerous for the travelling public, as the guards cannot look after the entraining and detraining of passengers at stations while they are engaged in receiving and despatching luggage and parcels and the official *dāk* during the short stoppage at each station? Do Government propose to re-introduce the practice of engaging brakesmen for the safety of the travelling public? If not, why not?

Mr. G. G. Sim: The Honourable Member is referred to the answer given to question No. 617, asked by Khan Bahadur Sarfaraz Hussain Khan on the 3rd February, 1926.

UNSTARRED QUESTIONS AND ANSWERS.

REVERSION OF SUB. PRO TEM. ACCOUNTANTS TO CLERKS.

112. **Dr. K. G. Lohokare:** With reference to the reply to question No. 161, dated 14th September, 1925, in the last Session, will Government please state whether any of the sub. *pro tem.* accountants who passed the Subordinate Accounts Service Examination, as early as in 1919 and who were promoted in 1922, have been reverted to the clerical grade from April 1925? If so, what is the actual number of such reversions?

(b) Did not the answer to part (b) of the question no. 161 actually imply that no sub. *pro tem.* accountants who passed the accountant's examination as far back as in 1919 will be reverted to the clerical grade? If so, will Government state the reasons that have led to their reversions and in what way they are justified? Will Government please state whether there are any Rules or Standing Orders laying down the procedure that junior clerks who had passed the Subordinate Accounts Service Examination in previous years and were not provided in the Subordinate Accounts Service for want of vacancies have no prior claim for promotion in vacancies occurring in subsequent years, when senior qualified clerks are available? If such Standing Orders exist, do they not discourage junior clerks from appearing for the Subordinate Accounts Service Examination earlier than their seniors?

The Honourable Sir Basil Blackett: (a) Two accountants have reverted.

(b) (i) No.

(ii) I would refer the Honourable Member to the answer already given to the Honourable Mr. Kelker's question No. 160 of September 1925 on the same point.

(iii) and (iv). There was an order to that effect in the old rules but the new rules introduced from 1st April 1925, provide with certain limitations for the grant of promotions to the accountant's grade in the order of the dates of passing the examination.

SENIORITY OF CLERKS IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, SOUTHERN COMMAND AND POONA DISTRICT.

113. **Dr. K. G. Lohokare:** (a) In revising the seniority list of clerks as stated in reply to question no. 160, dated 14th September, 1925, is it a fact that the position of several clerks of the office of the Controller, Military Accounts, late Poona Division, has been lowered, owing to the non-notification of several promotions, in the old clerical grades, by the then Controller? Were any representations received on this subject, and if so, how were they disposed of? Is it a fact that the clerks affected had requested the then Controller, Military Accounts, to notify such promotions, and if so, why were such promotions not notified? Will Government please state what disciplinary action was taken or is intended to be taken against the person concerned by whom the promotions were suppressed?

(b) Is it a fact that the Military Accountant General is rearranging on an all-India basis the seniority of clerks who have passed the Subordinate Accounts Service Examination in accordance with their highest position on 31st March, 1920, in the old clerical grades or according to dates of entry into service if employed after 31st March, 1920? If the seniority is being determined on these lines will not the suppressed promotions affect permanently the future prospects of clerks belonging to the late Poona Division? If so, will Government please consider the advisability of issuing instructions, as they did in the case of sub. *pro tem* promotions to the accountant's grade after the lapse of about 6 years, to the Controller of Military Accounts, Southern Command and Poona District, to notify those promotions with a view to avoid any loss of standing to the clerks concerned?

The Honourable Sir Basil Blackett: The information has been called for and will be forwarded to the Honourable Member on receipt.

COMPULSORY VACCINATION OF THE STAFF OF THE CONTROLLER OF MILITARY ACCOUNTS, EASTERN COMMAND AND U. P. DISTRICT.

114. **Dr. K. G. Lohokare:** (a) Is it a fact that the Controller, Military Accounts, Eastern Command and U. P. District, has issued an office order enjoining on the officers, accountants, clerks and menials, serving under him to get themselves and their families vaccinated threatening disciplinary action and grant of leave without allowances in case of failure?

(b) If the reply to (a) be in the affirmative, will Government please state whether the Controller was within his rights in forcing civilians residing in City limits to get themselves vaccinated; if not, will they issue necessary instructions to avoid such misuse of powers in future?

The Honourable Sir Basil Blackett: Inquiry is being made and a reply will be furnished on receipt of the information.

PAY OF ACCOUNTANTS IN THE MILITARY ACCOUNTS DEPARTMENT.

115. **Dr. K. G. Lohokare:** (a) Is it a fact that in May 1925, the Government of India had decided that accountants in receipt of the maximum pay of that grade when passed over by the Selection Board for permanent or sub. *pro tem.* promotion to the grade of Deputy Assistant Controller of Military Accounts "should not necessarily be reduced to Rs. 450 unless their confidential reports are indifferent"?

(b) If the reply to (a) is in the affirmative, will the Government of India please state whether they have issued any orders in December 1925, notifying "when accountants are passed over for permanent or sub. *pro tem.* promotion to the grade of Deputy Assistant Controller of Military Accounts, they will revert at once to the efficiency bar at Rs. 450"?

(c) If the reply to (b) is in the affirmative, will the Government of India please state whether the accountants whose confidential reports are fair and not indifferent are also to be reverted to Rs. 450 and, if so, will it not mean that accountants with fair reports in the Military Accounts Department will not be allowed to reach the maximum of the grade, namely, Rs. 500 whereas accountants with similar reports in Civil Accounts offices will reach their maximum pay? Do the Government of India propose to remove this anomaly?

(d) As the efficiency bar in the revised scales of pay of the Subordinate Accounts Service has been brought down from Rs. 450 to Rs. 410, will Government please state how they intend to deal with the existing incumbents drawing pay between Rs. 450 and 500 per mensem in view of the fact that under article 158 of the Civil Service Regulations, the election of any new scale of pay is optional?

The Honourable Sir Basil Blackett: (a) The answer is in the affirmative.

(b) The answer is in the affirmative, the position having been reconsidered.

(c) The answer to the first part is in the affirmative. As regards the second part, these accountants will be restricted to Rs. 450 unless selected for further promotion. Conditions in the Military Accounts Offices and Civil Accounts Offices are not analogous and the Government do not propose to alter their orders.

(d) Accountants who attained to a pay of Rs. 450 or more before the introduction of the revision of pay, will, if declared unfit for promotion to higher rank, be restricted to Rs. 450.

WITHDRAWAL OF THE DEPUTATION ALLOWANCE DRAWN BY ACCOUNTANTS AND CLERKS IN THE OFFICE OF THE FIELD CONTROLLER OF MILITARY ACCOUNTS, POONA.

116. **Dr. K. G. Lohokare:** Is it a fact that the clerks in the office of the Field Controller of Military Accounts, Poona, were given an assurance on October 20th, that "the deputation allowance which they were in receipt of (on 1st April, 1920) will be continued to them as a personal allowance until they are transferred to a permanent office"? If so, has the personal allowance been withdrawn from 1st November, 1925, in the case of accountants and clerks although they have not been transferred to their permanent offices? If the reply be in the affirmative, will Government please state the reason of this sudden withdrawal?

The Honourable Sir Basil Blackett: The answer to the first two parts is in the affirmative. This arrangement was made because it was assumed that the deputation would be of short duration. As it is, these men have drawn these temporary allowances for several years and advantage has been taken of the introduction of improved rates of pay to remove an anomaly which can no longer be justified. In any case it is under contemplation to close this office.

REDUCTION OF THE DUTY ALLOWANCE OF UNIT ACCOUNTANTS AND
CLERKS.

117. **Dr. K. G. Lohokare:** Will the Government of India please state the reasons for the reduction with effect from the 1st November 1925 of the duty allowance from Rs. 50 and Rs. 25 per mensem for unit accountants and clerks respectively, to Rs. 30 and 10? Have the revised rates of pay been so increased as to counterbalance the decrease in emoluments resultant from the reduction of duty allowance?

The Honourable Sir Basil Blackett: Experience proved that these scales of allowances were too high and that the restriction of allowances to movable formations was inequitable. It was, therefore, decided to reduce the allowances but to extend them to stationary formations also. Thus unit accountants and clerks have, as a whole, gained considerably and, though reduction of the allowance temporarily affects a certain number, it must be remembered that these men were, at any time, liable to transfer to a stationary unit or to the head office where no allowances at all were admissible.

REDUCTION OF THE LOCAL ALLOWANCE DRAWN BY ACCOUNTANTS AND
CLERKS IN THE OFFICE OF THE CONTROLLER OF MILITARY
ACCOUNTS, QUETTA.

118. **Dr. K. G. Lohokare:** (1) Is it a fact that the Baluchistan local allowance at Rs. 30 and 20 per mensem which the accountants and clerks serving in the office of the Controller of Military Accounts, Quetta, were in receipt of on 1st April, 1920, has been reduced to Rs. 20 and 10 per mensem, respectively, from 1st November, 1925? If so, will Government please state the causes that have led them to reduce the allowance?

(2) Is it a fact that in the new revision of pay introduced in the Military Accounts Department from 1st November, 1925, local allowances at Bombay, Karachi and at all military stations in the Waziristan, Baluchistan and Kohat Districts have been equalised? Will Government please state whether the expensiveness of these places is similar and whether the cost of living in Baluchistan has been reduced to the pre-war level to warrant its reduction?

(3) Is it a fact that Government have continued the same rates of Burma local allowance which the accountants and clerks were in receipt of prior to the introduction of the new revision of pay? If so, do Government propose to reconsider their orders to renew from 1st November, 1925, the former rates of Baluchistan local allowance?

The Honourable Sir Basil Blackett: (1) The answer to the first part is in the affirmative. The allowances were reduced, in connection with the revision of pay, because local conditions did not justify such high rates.

(2) The local allowances referred to in the first part of the question form an entirely new concession. They are not granted in every case solely on account of the expense of living but also in view of the disabilities of service in certain stations. In these circumstances a uniform rate was adopted as the fairest solution and the Baluchistan allowance was reduced as it had been pitched too high in the first instance.

(3) The answer to the first part is in the affirmative. Conditions of service in Burma differ widely from those in Quetta and the Government do not propose to reconsider the orders in the latter case.

CONDITIONS GOVERNING PROMOTIONS ABOVE THE EFFICIENCY BAR OF CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT.

119. **Dr. K. G. Lohokare:** Will Government please state whether there is a restriction in the Civil Accounts Department that a clerk to cross the efficiency bar at Rs. 170 is required to appear for the Subordinate Accounts Service Examination and obtain at least 20 per cent. of the marks in each subject and 25 per cent. in the aggregate? Is it a fact that there is no such restriction in the Military Accounts Department? If so, will Government please state the special reasons for the differential treatment in the Military Accounts Department?

The Honourable Sir Basil Blackett: The answer to the first part is in the negative. Such a restriction has now been introduced in the Military Accounts Department. This Department is not necessarily bound by the rules of the Civil Department and the change was adopted in the interests of efficiency.

CASES OF ALLEGED MALINGERING IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, QUETTA.

120. **Dr. K. G. Lohokare:** With reference to the several unsatisfactory cases of malingering referred to in the reply to questions Nos. 164 and 165 of September, 1925, will Government please state whether the Controller of Military Accounts, Quetta, had informed the C. I. D. to investigate whether the persons concerned were feigning sickness? Had the accountants and clerks absented themselves without producing in support of their absence medical certificates signed or countersigned by Government medical officers? If they had produced certificates granted by the Government medical authorities will Government please say why the individuals concerned were persecuted instead of the medical officers concerned for having recommended leave in cases where it was not necessary?

NUMBER OF CASES OF WITHDRAWAL OF INCREMENTS OF PAY OR DUTY ALLOWANCE IN THE OFFICE OF CONTROLLER OF MILITARY ACCOUNTS, MEERUT.

121. **Dr. K. G. Lohokare:** Will Government please state the number of cases in which increments of pay or duty allowance were withdrawn in the office of the Controller of Military Accounts, Meerut, since the present Controller assumed charge of that office? Have such cases abnormally increased as compared with a corresponding period of his predecessor?

• PRODUCTION OF MEDICAL CERTIFICATES FOR A DAY'S ABSENCE BY THE EMPLOYEES OF THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, MEERUT.

122. **Dr. K. G. Lohokare:** Will Government please say whether the employees of the office of the Controller of Military Accounts, Meerut, are enjoined to produce a medical certificate from the Staff Surgeon, Meerut, even for a day's absence? If so, will not this insistence aggravate the sickness owing to the persons being required to travel long distances from their places of residence to the Staff Surgeon's dispensary and the consequent exposure?

WRITING OFF OF AN OVERPAYMENT MADE TO A MILITARY OFFICER IN THE SUPERIOR SERVICE OF THE MILITARY ACCOUNTS DEPARTMENT.

123. **Dr. K. G. Lohokare:** Is it a fact that a sum of Rs. 177 and odd overpaid to a military officer in the superior service of the Military Accounts Department by the Controller of Military Accounts, Mhow, some two years back was written off by the Government of India? Was the overpayment made owing to a misinterpretation of rules? If so, with reference to the answer given to my question No. 83, dated 25th August, 1925, will Government please state the reasons for writing off the overpayment in this particular case? Will Government kindly reconsider the cases of the low paid clerks alluded to in my question No. 83 of last August on the analogy of the departure from the usual procedure in the case of an audit officer of the same Department?

STENOGRAPHER IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, QUETTA.

124. **Dr. K. G. Lohokare:** Is it a fact that the Controller of Military Accounts, Quetta, has locally employed on a high rate of pay an outsider as a stenographer in his office? If so, will Government please say what special qualifications the stenographer possesses? Were not any competent permanent men with suitable qualifications available in the Department to fill up the post?

DISCHARGE BY THE CONTROLLER OF MILITARY ACCOUNTS, QUETTA, OF A LARGE NUMBER OF HIS MENIAL ESTABLISHMENT.

125. **Dr. K. G. Lohokare:** Are Government aware that the Controller of Military Accounts, Quetta, has summarily discharged from service a large number of the menial servants of his office? Will Government please state the causes that have led to their discharge? Have they received any representations praying for their reinstatement? If so, how were they disposed of? Was the clerical establishment of that office made to do the menial servants' duties? Do Government propose to make full inquiries into the matter?

ALLEGED HARASSMENT OF UNIT ACCOUNTANTS AND CLERKS BY MILITARY ACCOUNTS LOCAL AUDIT OFFICERS.

126. **Dr. K. G. Lohokare:** (a) Has the attention of the Government of India been drawn to an article which appeared in the *Indian Daily Mail* early in December 1925, regarding the harassment of unit accountants and clerks by Military Accounts Local Audit Officers?

(b) Is it a fact that free hospitality is demanded from them?

(c) Is it also a fact that those who do not comply with such demands are threatened with adverse audit reports? If so, have Government instituted any inquiries into the matter?

(d) Do Government propose to issue strict instructions against this abuse of powers by their Local Audit Officers?

The Honourable Sir Basil Blackett: Information has been called for on the points raised in these questions and a reply will be furnished on receipt thereof.

REDUCTION OF EXPENDITURE ON STATE AND COMPANY-MANAGED RAILWAYS.

127. **Mr. K. Rama Aiyangar:** Will the Government be pleased to state what special staff if any has been appointed in the State Railways and the Company-managed ones for securing reduction in expenditure under the various heads and at what cost in each case?

Mr. G. G. Sim: It is difficult to answer the Honourable Member's question as it is not known to what period he refers. At the present moment the Bengal Nagpur Railway have employed a specially qualified officer to make proposals for the retrenchment of establishment charges and the East Indian Railway have placed one of their officers on special duty for the same purpose. The estimated cost of these inquiries is Rs. 80,000 for the Bengal Nagpur Railway and Rs. 8,000 for the East Indian Railway.

But I would remark that the question of securing economies in working expenses is one that every officer of a railway is required to give attention to in his day to day work, and that the Head of the Railway Administration is judged by his success in working the Railway economically with proper regard to efficiency.

TOTAL INCREASE IN THE REVENUE DERIVED FROM MONEY ORDER COMMISSION, ETC.

128. **Mr. K. Rama Aiyangar:** Will the Government be pleased to state what extra income has been derived from charging 2 annas instead of 1 anna on money orders for Rupees 5 and under? What is the approximate number of letters under 1 tola in weight carried by the post offices in the country?

Mr. G. P. Roy: The information asked for in the first part of the question is not available, as no statistics are kept for money orders according to their value. It may, however, be stated that there was a total increase of about Rs. 6 lakhs in the revenue on account of money order commission in the year 1921-22, i.e., the first year after the present rates of money order commission were introduced, though the number of money orders issued went down from 87,226,484 to 83,328,207.

The approximate number of inland letters not exceeding one tola in weight conveyed by the Indian Post Office in 1924-25 was 400 millions.

TOTAL ESTIMATED LOSS IN EARNINGS ON STATE-OWNED RAILWAYS IF THIRD CLASS FARES WERE FIXED AT 3 PIES AND $2\frac{1}{2}$ PIES PER MILE, RESPECTIVELY.

129. **Mr. K. Rama Aiyangar:** Will the Government be pleased to state what the loss in railway receipts will be if in all ordinary passenger trains, the third class fare is charged at (1) 8 pies per mile and (2) $2\frac{1}{2}$ pies per mile, in the case of each of the State Railways whether State or Company-managed?

Mr. G. G. Sim: The total estimated loss in earnings on State-owned railways if all third class passengers were charged 3 pies per mile comes to over Rs. 4½ crores. If the fare was further reduced to 2½ pies per mile the total estimated loss would be over Rs. 8½ crores. These figures of estimated loss have been worked out on the passenger earning statistics of 1924-25.

Figures of earnings are not available separately by mail and ordinary passenger trains but only a small proportion of third class passengers travel by mail trains.

A statement is laid on the table showing the estimated loss separately for each railway.

Statement showing estimated loss in earnings if third class passengers are charged 3 pies and 2½ pies per mile on State-owned railways.

Railway.	ESTIMATED LOSS IN EARNINGS (BASED ON THE FIGURES FOR 1924-25).	
	If third class passengers are charged at 3 pies per mile.	If third class passengers are charged at 2½ pies per mile.
	Rs. (in thousands).	Rs. (in thousands).
5' 6" GAUGE.		
Bengal Nagpur	26,74	51,05
Bombay, Baroda and Central India	18,87	40,31
Eastern Bengal	11,63	28,24
East India	57,10	1,16,57
Great Indian Peninsula	81,1	1,32,19
Madras and Southern Mahratta	17,69	36,13
North Western	69,62	1,15,30
Oudh and Rohilkhand	15,09	34,91
South Indian	12,53	18,32
Total	3,10,62	6,12,05
3' 3½" GAUGE.		
Assam Bengal	11,59	19,87
Bombay, Baroda and Central India	14,90	48,77
Burma	32,94	50,84
Eastern Bengal	12,29	24,88
Madras and Southern Mahratta	15,39	31,08
South Indian	42,34	66,40
Total	1,29,45	2,41,79
2' 6" & 2' 0" GAUGES.		
Bengal Nagpur	2,61	6,22
Bombay, Baroda and Central India	1,97	2,63
Eastern Bengal	34	56
Great Indian Peninsula	4,36	5,44
North Western	7,23	8,36
South Indian	35	59
Total	18,86	23,80
GRAND TOTAL	4,58,93	8,77,64

TOTAL NUMBER OF POSTCARDS TRANSMITTED THROUGH THE POST IN THE YEARS 1921-22, 1923-24 AND 1924-25, RESPECTIVELY.

130. Mr. K. Rama Aiyangar: Will the Government be pleased to state what the total number of postcards conveyed by the post offices was in 1924-25 as compared with 1923-24 and 1921-22?

Mr. G. P. Roy: The estimated number of post cards transmitted through the post during each of the three years is given below:

1921-22	648,470,932
1923-24	531,906,208
1924-25	542,365,050

TOTAL CAPITAL EXPENDITURE CHARGED TO REVENUE IN CERTAIN SPECIFIED DEPARTMENTS IN THE YEAR 1925-26.

131. Mr. K. Rama Aiyangar: Will the Government be pleased to state what the total capital expenditure charged to Revenue has been in the years 1923-24 and 1924-25, and is expected to be according to the Budget estimate of 1925-26 in each of the departments Military, Railways, Posts and Telegraphs, Customs, Salt, Stamps and other civil works?

The Honourable Sir Basil Blackett: There is nothing that I can add to the information already contained in the Finance and Revenue Accounts for 1923-24 and the Demands for Grants for 1925-26. The Finance and Revenue Accounts for 1924-25 will be published shortly.

ISSUE OF INSTRUCTIONS TO THE IMPERIAL BANK OF INDIA TO HELP AGRICULTURISTS AND OTHERS IN RURAL AREAS.

132. Mr. K. Rama Aiyangar: Will the Government be pleased to state if they have issued any and if so what instructions to the Imperial Bank to extend its field of operations to help the agriculturist and others in rural areas?

The Honourable Sir Basil Blackett: The business which the Imperial Bank is authorised to undertake is laid down in Schedule I Part I of the Imperial Bank of India Act. The Government have not issued any further instructions to the Bank.

ARTICLE IN THE FORWARD REGARDING THE AMALGAMATION OF THE EAST INDIAN AND THE OUDH AND ROHILKHAND RAILWAYS.

133. Mr. Devaki Prasad Sinha: Has the attention of the Government been drawn to the article published in the *Forward* of Calcutta, dated the 16th October 1925, headed "First fruits of railway amalgamation"?

Mr. G. G. Sim: The reply is in the affirmative. They note with great satisfaction that "dear associations cluster round" the Oudh and Rohilkhand Railway.

TIME AND FARE TABLES OF THE EAST INDIAN AND THE OUDH AND ROHILKHAND RAILWAYS.

184. Mr. Devaki Prasad Sinha: Will the Government be pleased to state:

- (a) how many copies of the Time and Fare Table of the East Indian Railway were printed in March and October, 1925, respectively, and what was the total cost per edition incurred under this head; and
- (b) how many copies of the Time and Fare Table of the Oudh and Rohilkhand Railway were printed in March, 1925, and of the reprint of the same issued in June 1925, from Lucknow, and in October, 1925, of the Oudh and Rohilkhand Railway section only issued from Calcutta, and what was the total cost of each of these editions incurred under this head?

TIME AND FARE TABLES OF THE EAST INDIAN RAILWAY AND THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

185. Mr. Devaki Prasad Sinha: (a) Since the two railways, namely, the East Indian Railway and the Oudh and Rohilkhand Railway, have now been amalgamated and are working under State management, will the Government be pleased to state the circumstances in which two separate sets of Time and Fare Tables, one for the whole of the newly constituted East Indian Railway including the Oudh and Rohilkhand and the other only for the Oudh and Rohilkhand section of the East Indian Railway have been issued?

(b) Was it not possible to include both these sets of Time and Fare Tables in one?

(c) If not, will the Government be pleased to state the reasons against the combined issue?

Mr. G. G. Sim: I propose to answer these two questions together. On account of an agreement which the late Oudh and Rohilkhand Railway Administration had entered into with a firm of contractors it was found necessary to issue one Time Table for the Oudh and Rohilkhand Section only and one for the entire East Indian and Oudh and Rohilkhand amalgamated system. The Government of India do not know how many copies were printed of the two sets of the Time Tables nor the cost involved.

DISCONTINUANCE OF THE PRESENT ARRANGEMENTS FOR THE SALE OF FOOD-STUFFS TO THIRD CLASS PASSENGERS ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

186. Mr. Devaki Prasad Sinha: With reference to Mr. G. G. Sim's reply to Raja Raghunandan Prasad Singh's question No. 153, dated 27th August, 1925:

- (a) Will the Government be pleased to state specifically in what respects the existing arrangements have not been considered to be satisfactory, and by whom, whether by the travelling public or by the railway administration?

- (b) Do the Government propose to inquire whether the alleged unsatisfactory state has been due to the total absence of the essential fittings required for the purpose in the compartment reserved for the sale of foodstuffs in trains?
- (c) Will the Government please specify the facilities since given to popularise the sale of foodstuffs in trains?

DISCONTINUANCE OF THE PRESENT ARRANGEMENTS FOR THE SALE OF FOODSTUFFS TO THIRD CLASS PASSENGERS ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

187. Mr. Devaki Prasad Sinha: Are the Government aware that several members of the Legislative Assembly of the Oudh and Rohilkhand Railway Advisory Committee of the United Provinces Legislative Council, and Rajas, Talukdars, Zemindars, and men of high social positions have actually partaken of the foodstuffs and have testified to the success of the system from the Indian point of view, and to the fact that it has been a distinct boon to the travelling public?

DISCONTINUANCE OF THE PRESENT ARRANGEMENTS FOR THE SALE OF FOODSTUFFS TO THIRD CLASS PASSENGERS ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

188. Mr. Devaki Prasad Sinha: (a) Will the Government be pleased to state whether any decision has been arrived at as the result of the examination by the railway administration of the matter referred to on page 305 of the Assembly Debates, Volume 6, No. 6 of the 27th August, 1925?

(b) Who were the members appointed to examine the question and were any Indian railway officials consulted in the matter?

(c) If the answer to (a) be in the negative, will the Government be pleased to state when the railway administration concerned is likely to announce its decisions on the matter?

Mr. G. G. Sim: Enquiry has been made with regard to questions Nos. 186 to 188 and the result will be communicated to the Honourable Member in due course.

UTILISATION OF THIRD CLASS COMPARTMENTS ON THE EAST INDIAN RAILWAY FOR THE SALE OF FOODSTUFFS TO INDIAN PASSENGERS.

189. Mr. Devaki Prasad Sinha: (a) How many restaurant cars are in the stock of the East Indian Railway including those taken over from the Oudh and Rohilkhand Railway, and what is the total cost of each car?

(b) Will the Government be pleased to state the cost of fitting up a third class compartment with necessary accessories such as stoves, water reservoir, almirahs, ice box, sinks, etc., to be utilised for the sale of foodstuffs to Indian passengers?

The Honourable Sir Charles Innes: (a) There are altogether 17 restaurant cars on the East Indian Railway, the average cost of which is Rs. 86,851.

(b) Rs. 1,500 approximately.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

Mr. President: I have received a Message from His Excellency the Viceroy and Governor General:

(The Assembly received the Message standing.)

"For the purposes of sub-section (1) of section 67A of the Government of India Act and in pursuance of Rules 43, 46 and 47 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Rufus Daniel, Earl of Reading, hereby appoint the following days for the presentation to the Council of State and to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways and for the subsequent stages in respect thereof in the Council of State and in the Legislative Assembly, namely:

Thursday, February 18th	...	...	Presentation in both Chambers.
Saturday, February 20th	...	...	General discussion in the Council of State.
Monday, February 22nd	..	...	General discussion in the Legislative Assembly.
Tuesday, February 23rd	...	...	} Voting of demands for grants in the Legislative Assembly.
Wednesday, February 24th	..	...
Thursday, February 25th	...	...
Friday, February 26th	...	...

(Signed) **READING,**
Viceroy and Governor General."

THE CONTEMPT OF COURTS BILL—contd.

Mr. President: The House will now resume further discussion of the following motion moved by the Honourable Sir Alexander Muddiman on the 3rd February, 1926:

"That the Bill to define and limit the powers of certain Courts in punishing contempts of Courts, as amended, be passed."

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhamadan Rural): Sir, I desire to associate myself with my Honourable leader, Pandit Motilal Nehru, in opposing the passage of this Bill into law, and I desire to add only a very few words to show that we on this side of the House cannot accept the motion moved by the Honourable the Home Member. In the first place, Sir, I desire to point out that, as has all along been insisted on on this side of the House, the necessity for this Bill was specifically stated by the Government to be the removal of certain doubts that had been created by a conflict of decisions between the Bombay and Madras High Courts on the one side and the Calcutta High Court on the other, and also to limit the punishment as to contempts of courts. As I took the occasion to point out when the motion to refer the Bill to a Select Committee was placed before this House, if the Government had only the intention of removing this doubt, they could have done it by a simple and small clause, declaratory of the principle of law on which there was such conflict of decision. There was no necessity, therefore, on the part of the Government to insert into the Bill that vague sweeping and comprehensive definition of contempt which would

[Mr. A. Rangaswami Iyengar.]

have placed the liberties of the press and of the public at the mercy, as I said on the last occasion, of the meanest magistrate in this country. There was no necessity, again, on the part of the Government to try to extend the law of contempt so as to take within its sweep not merely the chartered High Courts which claim to have inherited these powers from the Court of King's Bench in England, but other High Courts, and the Courts of Chief Commissioners and Judicial Commissioners also in this country. We, therefore, Sir, in accepting the motion to refer the Bill to a Select Committee definitely put down our case to be that we were quite willing to clear this doubt, to clear this conflict of decisions, but that we were against defining the law of contempt in the sweeping terms which the clause originally embodied and of extending the law of contempt to any smallest extent beyond what it actually was at the time when this Bill was introduced.

Now, Sir, what has happened since then? The Government in the Select Committee pressed the whole of their case, and we succeeded in the Select Committee in getting rid of the definition of contempt. We also succeeded in the Select Committee in getting rid of the power of Chief Courts to commit for contempt cases of contempt committed before subordinate courts, and we also succeeded in leaving the position as to the jurisdiction of High Courts which had not owed their origin to the original charters and which cannot presume to derive their powers from the Court of King's Bench in England, we succeeded in leaving the position so far as those courts were concerned, exactly where it is now, and, therefore, clause 2 clearly laid down that the High Courts of Judicature established by Letters Patent shall have and exercise the same jurisdiction, powers and authority, in accordance with the same procedure and practice, in respect of contempts of courts subordinate to them as they have and exercise in respect of contempts of themselves. Therefore, Sir, that leaves the question as to the existence of a power to punish for contempt of any courts other than the chartered High Courts, exactly where it was before. If the High Courts themselves had no power to punish for contempt of court against themselves, *a fortiori* they could not have powers to punish for contempt of courts subordinate to them.

We left the matter there; but my Honourable friend, Sir Alexander Muddiman, in this House brought up after presenting the Select Committee's Report, an amendment which, while it left the law as regards the High Courts as it was, *i.e.*, as we put it in the Select Committee, went further and tried to invest the Chief Courts in this country with power to punish for contempts of subordinate courts when the non-presidency High Courts themselves would not, in our view, possess such a power. My Honourable friend Sir Henry Stanyon pointed out the other day that the effect of refusing to enact the clause as to Chief Courts would be that while the court of the District Magistrate of Allahabad could complain to the High Court and the High Court of Allahabad could commit for contempt of the court of the District Magistrate of Allahabad, the Chief Court of Lucknow would not have the power to commit for contempts of the District Magistrate of Lucknow. Now, I say that the position is not that, but is the reverse of it. According to the amendment carried in the House at the instance of the Honourable the Home Member, the position would be that whereas the Chief Court at Lucknow could,

commit for contempt offences committed in respect of the District Magistrate of Lucknow, in our view, the High Court of Allahabad, a much higher court, which owes its origin to Letters Patent, would not have the power to commit for contempts of the District Magistrate of Allahabad. Therefore, Sir, the position seems to me a *reductio ad absurdum*. As we conceive it, the High Court of Allahabad does not possess the power to commit for contempts of itself or of courts subordinate to it; and while that matter is doubtful, you are going on and making it clear that Chief Courts should possess that power, whatever may or may not be the case with respect to the High Courts. That, Sir, is a position which we cannot accept. At the same time, we want to pin ourselves down to this express provision. We have not the smallest intention of acceding to any extension of this summary, of this arbitrary power, to be vested in the Chief Courts, nor the smallest extension of that power to any courts other than those which possessed it at the time when this Act was passed.

Much was said the other day, Sir, in respect of the Resolution relating to the Privy Council, as to the spirit of bargain. Sir, I agree with the Honourable the Home Member that it is always useful to make bargains in matters of business, and I say, Sir, that we on this side of the House who were quite ready to defeat the proposal to bring this Bill into this House (and that was what my Honourable friend the Leader of the Swaraj Party has already stated in this House), we were quite prepared to allow this Bill to go to the Select Committee to remove this legal doubt, so long as no further extension of the power was contemplated and so long as we in return for our acceding to the proposal that the High Courts should be declared to possess the power to commit for contempts of subordinate courts, got on the other side the concession which the Honourable the Home Member said was a concession of limiting the power of punishment in the High Courts to fine and simple imprisonment. That was the bargain, Sir, that we struck, and we stick to the terms of that bargain. We are not prepared to go one iota further than that, and we therefore ask the House that as the Honourable the Home Member has now gone further and has asked us to invest the Chief Courts with the power not merely to commit, for contempt of court of themselves but with the power to punish for contempts of subordinate courts, we ask this House to reject this motion and not to pass the Bill into law.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, before the Honourable the Home Member begins I would like to understand from him whether the Government propose to go to the other House and have this Bill further amended or whether they are prepared to accept the Bill if it is passed as it is before the House now, because that will make a great difference to the attitude of my Party towards this Bill.

The Honourable Sir Alexander Muddiman (Home Member): I understand, Sir, that I may be called to speak on the Bill later, and I shall then give an answer to my Honourable friend's remarks in my speech.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): I desire, Sir, to associate myself with the motion for the rejection of this Bill. I am glad to find myself for once (Cheers from the Swarajist Benches), I hope they will find themselves more often with me in the future. But while I oppose this Bill, it is not exactly on the grounds urged by my friend the Leader of the Swaraj Party. My opposition is not based on the fact that this Bill

[Mr. Bipin Chandra Pal.]

extends the power, originally claimed by some of our High Courts which represent the King's Court in India, to the Chief Courts. I for one see no reason why if the magistrates in Bengal or Bombay or Madras are to be protected by the superior courts in their own Presidencies, the same magistrates in the Punjab or in other Provinces which have not the honour of having a High Court should be deprived of that protection

Lala Lajpat Rai (Jullundur Division: Non-Muhammadian): The Punjab has a High Court.

An Honourable Member: " Oudh."

Mr. Bipin Chandra Pal: I am thankful for the correction. But that is not my position. My position is this. I do not believe in creating new offences. This offence did not exist so far as subordinate courts were concerned, before you brought this Bill in, and if, we were not moved by the spirit of bargaining, we would not have found ourselves in this ugly position to-day. This Bill ought to have been thrown out on its introduction. And at one time it did seem that the House would throw out this Bill summarily when it was first introduced. But the spirit of bargaining prevailed and we find ourselves to-day in this present position. As a journalist, Sir, I oppose this measure. I believe that the etiquette of journalism, which always says that no case which is before a Court of law *sub judice* should be commented upon, should be left to correct improper comments on cases proceeding before any court. That is what I understand, and as a journalist of nearly half a century's experience, I have rarely found *sub judice* cases commented upon by the Press in this country.

Mr. M. A. Jinnah: No, no.

Mr. Bipin Chandra Pal: My Honourable friend and respected leader ought to give me the credit of knowing my profession as much as he knows and thinks of his own profession.

Mr. M. A. Jinnah: I can tell the Honourable Member that very recently there were two cases of contempts of court committed in Bombay and I happened to appear in both of them.

Mr. Bipin Chandra Pal: I pity the Bombay Press, because the honours of the Press, the rules of the Press and the etiquette of the Press, seem to be more honoured in their breach in the Province from which my leader comes than in the Province to which I belong. Now, the vernacular Press in Bengal rarely commits this offence.

Then, there is another consideration, Sir. I can well understand comments on *sub judice* cases prejudicing justice in jury trials but not in ordinary magisterial trials or when there is no jury, because we well know of and can depend upon, the detachment of our judges from all these press comments. The fact of the matter is this. We do not want any new offence to be created and place certain powers which the High Courts do not possess and which the Chief Courts do not possess now, in their hands. It is for this reason, Sir, that I would leave the Press to its own sense of honour. I would improve the purity of the Press, I would improve the purity of our public life also, Sir, at the same time, and by improving the

character and the tone of the Press and the public, I would provide against the danger, which is not very serious and from which this law wants to protect the judiciary.

Now, Sir, with regard to the lower courts. They never had this right of appealing to the High Court. I can well understand that the High Courts will decide justly, but what about a prosecution initiated by a lower court—and who can say what will not offend the dignity of a magistrate in this country? A simple comment may offend the dignity of a magistrate and he may go up to the High Court to offer him protection. And we know the High Courts even are more prone to look kindly to their subordinates than to the rights and liberties of the outside public. For this reason, Sir, I think it is a dangerous thing to give the High Courts the power of taking cognisance of contempts committed against a subordinate court. It is sufficient that the High Courts themselves have the power. I would not interfere with that power, but I think, Sir, no case has been made out for bringing this law before the Assembly. The only thing is this. We want to remove doubts and differences between the various High Courts. Now, lawyers always create doubts. (Laughter.) They always do that with regard to the interpretation of law, and if we are to try to remove doubts created by lawyers in regard to the interpretation of law, I do not know where we poor people who are not lawyers would stand. For this reason, Sir, I strongly oppose the passage of this Bill into an Act.

The Honourable Sir Alexander Muddiman: Sir, one would have thought at first when listening to this debate that it was not a third reading debate but a debate on a motion for reference to Select Committee. And my Honourable friend Mr. Bipin Chandra Pal with his usual clarity has exposed that; in other words, he has let the cat out of the bag. He has not suggested that this Bill is being opposed on a third reading debate; he has suggested that he has opposed it because the House made a mistake and acted inadvisably on the debate for the reference of the Bill to the Select Committee. That concerns me to this extent. I must make it perfectly clear to the House that I at any rate did nothing to mislead the House as to the contents of the Bill. I must refer to what I said in my first speech. I said:

"I should like to make my position perfectly clear as I think I made it in my first speech. I there laid down three questions of principle involved in the Bill. One was that doubts should be resolved. The second principle was that the Courts, not now empowered, which are in the same position as High Courts, should get the powers of a court of record. And the third principle was that the power of punishment of the High Court should be restricted to six months."

I made that perfectly clear, and the House voted on it. But whether the House made a mistake then or not. . . .

Mr. A. Rangaswami Iyengar: But the House did not say that it accepted all the three principles.

The Honourable Sir Alexander Muddiman: I beg the Honourable Member not to interrupt me. I hope he will let me proceed. If he provokes me, I shall have to proceed further against him. I merely now say that it has never been my method of procedure to read other peoples' speeches and charge them with inconsistencies. The speeches are there and they may be read. If there are inconsistencies they are patent to

[Sir Alexander Muddiman.]

the House. It is not a matter of argument but of fact. There has been a change of view in my judgment, but my Honourable friend assures me that there has been none. Well the words are there but I don't pursue the point as I want to get this Bill passed. I am not going to begin by saying that the House ought to have been more cautious before it accepted its reference to the Select Committee or enter into any arguments on that. I prefer that the Bill should stand on its merits. This Bill, as the House knows, is not in a form which I entirely like myself. It has been left in a peculiar position. The Chief Courts are protected, but their subordinate courts are not to be protected. It was said in one of the debates that one should not pay attention to logic. Well, I do not know if it is not a bad rule some times to be logical.

The next point is about the reduction in fine. I think the House recognised that the limitation,—at least in the first debate it recognised it—whether it still does so or not I cannot say,—but the House did recognise in the first debate that the reduction of the unlimited powers of imprisonment was an advance in the direction in which the House wanted to go. Therefore, to that extent, the Bill was, I think, universally supported. I think myself the limitation of the fine was a mistake. Now, I have got a Bill which does not exactly satisfy me in certain particulars. My Honourable friend opposite in opposing the Bill said that he opposed this measure merely because important powers are given to Chief Courts. Now there is only one Chief Court in India. Therefore the ground of danger is comparatively narrow. So many Chief Courts have become High Courts, and the danger, if there is danger such as my Honourable friend seems to argue, is very limited. Now my Honourable friend, Mr. Bipin Chandra Pal, said that we should not try to resolve the doubts of lawyers. Well, if that is the line taken, then we shall not do much legislation, because most of our legislation necessarily concerns resolving doubts that arise in the working of Acts. Therefore I cannot take that argument too seriously. There remains Mr. Jinnah's point. He asked me whether, if the House passed the Bill in the form now before it, I should move amendments in the other House. Well that is not my present intention, if the House passes the Bill. I am never one of those who refuse half a loaf of bread when they cannot get a whole loaf; personally I get little, sometimes very little from the House. Mr. Jinnah, when supporting this Bill in a very practical and sound speech, alluded to one issue. He said that this Bill has come to its final stage, and it has been the result of much hammering out. It would also have been true if he had added that it has been the result of some 10 or 12 years' consideration in the Government of India. The evil, I am afraid, is undoubtedly rife. Mr. Jinnah himself has called attention to two recent cases where he himself appeared in those matters, and I think few of us who read the papers would say that it is not a danger in this country. I remember a particular case which came before me officially where I had the greatest difficulty in dealing with the matter, as it was contended that the comments made were calculated to prejudice a trial. Now, Mr. Jinnah's argument that by rejecting this Bill at the present stage the House would be throwing away much good work is very cogent. Whether it will appeal to the House, however, I am not so sure for. I have seen in the last week the hopes of years and the careful negotiations of months thrown down like a castle of cards. I only hope that the work

embodied in this Bill after a long debate is not going to be rendered fruitless by an unfavourable decision on the third reading, which if taken at all should have been taken at an earlier stage.

Mr. President: The question is:

"That the Bill to define and limit the powers of certain courts in punishing contempts of courts, as amended, be passed."

The Assembly divided:

AYES—63.

Abdul Qaiyum, Nawab Sir Sahibzada.
 Abul Kasem, Maulvi.
 Ahmad Ali Khan, Mr.
 Ajab Khan, Captain.
 Ahmuzzaman Chowdhry, Khan Bahadur.
 Badi-uz-Zaman, Maulvi.
 Bajpai, Mr. R. S.
 Bhore, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Sir Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Carey, Sir Willoughby.
 Chanda, Mr. Kamini Kumar.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Crawford, Colonel J. D.
 Dalal, Sardar B. A.
 Das, Mr. B.
 Datta, Dr S. K.
 Donovan, Mr. J. T.
 Ghose, Mr. S. C.
 Ghulam Abbas, Sayyad.
 Ghulam Bari, Khan Bahadur.
 Gidney, Lieut.-Colonel H. A. J.
 Gordon, Mr. R. G.
 Graham, Mr. L.
 Hezlett, Mr. J.
 Hira Singh Brar, Sardar Bahadur Captain.
 Hudson, Mr. W. F.
 Hussanally, Khan Bahadur W. M.
 Innes, The Honourable Sir Charles.

Jatar, Mr. K. S.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Lindsay, Sir Darcy.
 Lloyd, Mr. A. H.
 Macphail, Rev. Dr. E. M.
 Mitra, The Honourable Sir Bhupendra Nath.
 Muddimar, The Honourable Sir Alexander.
 Muhammad Ismail, Khan Bahadur Saiyid.
 Mutalik, Sardar V. N.
 Naidu, Rao Bahadur M. C.
 Neave, Mr. E. R.
 Neogy, Mr. K. C.
 Owens, Lieut.-Col. F. C.
 Rahman, Khan Bahadur A.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Reddi, Mr. K. Venkataramana.
 Roffey, Mr. E. S.
 Sim, Mr. G. G.
 Singh, I. J. Bahadur S. N.
 Singh, Raja Raghunandan Prasad.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Venkatapatiraju, Mr. B.
 Vernon, Mr. H. A. B.
 Vijayaraghavacharyar, Sir T.
 Vishindas, Mr. Harchandrai.
 Wajihuddin, Haji.
 Willson, Mr. W. S. J.

NOES—27.

Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Chaman Lall, Mr.
 Chetty, Mr. R. K. Shanmukham.
 Das, Pandit Nilakantha.
 Dutt, Mr. Amar Nath.
 Gulab Singh, Sardar.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Kidwai, Shaikh Mushir Hosain.
 Lajpat Rai, Lala.
 Majid Baksh, Syed.
 Mehta, Mr. Jannadas M.
 Migra, Pandit Shambhu Dayal.

Murtuza Sahib Bahadur, Maulvi Sayad.
 Narain Dass, Mr.
 Nehru, Pandit Motilal.
 Pal, Mr. Bipin Chandra.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Samiullah Khan, Mr. M.
 Sarfaraz Hussain Khan, Khan Bahadur.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Mr. Dēvaki Prasad.
 Talatuley, Mr. S. D.
 Tok Kyi, U.

The motion was adopted.

DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS.

PERSONNEL OF THE RAILWAY BOARD.

Mr. G. G. Sim (Financial Commissioner, Railways): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 72,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of the 'Railway Board'."

I should like to explain briefly to the House that the necessity for moving this motion and the other motions standing in my name and the motion in the name of the Honourable Sir Charles Innes has arisen simply owing to the new procedure adopted by this House in the convention regarding the separation of the Railway from the General Finances. Under the old system this House voted only two Demands for the Railways, one for the total Revenue expenditure and one for the total Capital expenditure; and had that system still continued there would have been no necessity to bring these motions because no excess is anticipated either in the total Revenue or total Capital expenditure. On the contrary, considerable lapses are expected under both heads. Under the new arrangement, however, the Railway vote is divided into 15 different heads and an excess under any one of those heads has to be approved of by this House. As regards this particular motion, Sir, no increase of expenditure under the head "Railway Board" is anticipated and the only reason for bringing forward this motion is that there has been an increase in the voted expenditure accompanied by a greater decrease in the non-voted. Rs. 15,000 out of the Rs. 72,000 is required to meet an increase in the amount of gratuities paid this year owing to retrenchments effected at the instance of the House in the staff employed in the office of the Railway Board. The rest of the money is required simply because certain salaries which were classed as non-votable have become votable; and therefore this motion is nothing more than an indication of the increasing control of this House over the expenditure under the head "Railway Board" and of the increasing Indianisation of the posts in the Railway Board. This proposal has the approval of the Standing Finance Committee. I move, Sir, the motion that stands in my name.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): I beg to move, Sir, the amendment that stands in my name which runs as follows:

"That the Demand under the head 'Railway Board' (page 1) be omitted in view of the lack of adequate response by the Railway Board to the Resolutions and wishes of the Legislative Assembly in matters relating to railway administration and the personnel of the Railway Board."

Mr. G. G. Sim: On a point of order, Sir. I desire to obtain a ruling from the Chair as to whether this amendment and the other two amendments to my motion are in order. It has hitherto been the practice under rulings given by your predecessor that the discussion on Supplementary Demands should be confined entirely to the particular objects for which those Demands are required and should not be used as a means of forestalling the debate on the general Budget. I need only refer to several rulings given on the 20th February, 1924. The President on that date ruled out certain motions on the ground that they had been put forward with the deliberate intention of forestalling a debate upon the

Budget and he asked Honourable Members to recollect that these debates were "not budget discussions but something much more restricted, mere foot-notes to the finance of the year". As an instance, Sir, in connection with a Supplementary Demand under the head "Income-tax" he ruled out of order a discussion on Income-tax administration generally, on the ground that the motion put forward was really a motion for certain payments to Provincial Governments and he said that the whole debate "must be confined to that". I would submit for your opinion, Sir, that none of these amendments are in order. I have explained that this Demand is really brought forward for the reason that certain posts in the Railway Board are now held by persons whose salaries are votable in the place of persons whose salaries were non-votable. The first two amendments, Sir, raise general questions regarding railway administration and I hope the Honourable Member does not mean to imply, in order to bring his amendments within the scope of the previous rulings, that these questions would have been dealt with more suitably had certain posts on the Railway Board staff not been Indianised. The last motion in the name of Khan Bahadur Sarfaraz Hussain Khan relates to the appointment of my successor and I would submit that that motion is even less in order than the motions of Mr. Acharya, because my successor, whoever he may be, will not draw any money or any portion of the money in the Budget of this year. I propose to absorb any money in this year's Budget for the Financial Commissioner myself (Laughter.)

Dr. K. G. Lohokare (Bombay Central Division. Non-Muhammadian Rural): On a point of order, Sir, Even in spite of the attention of the House having been drawn by the Honourable Member to certain rulings of your predecessor, our knowledge is that this sum of Rs 72,000 concerns the personnel of the Railway Board, and consequently when the Demand is again placed before us, we are perfectly entitled to discuss that point only, that is the personnel of the Railway Board. That is my submission, Sir, regarding the point of order

Mr. M. K. Acharya: Sir, I shall be quite willing to submit to your ruling, whatever it be. I only want to say this, especially to the people who take a very easy and light view of the matter and therefore probably are laughing at it. My submission is this. This House has very few powers. I would urge that every opportunity should be taken to impress upon the other side what we consider to be failure on their part to carry out the wishes of this House. Not only once in a year, but whenever they come, as often as they come, to us for grants of money, so often it will be open to us, and I think it will be our duty to impress upon them the very sad and deplorable fact that they are not amenable to the wishes of this House. And that course has to be taken, namely, raising the same question as many times as may be necessary until the general principle is accepted and the official Benches become more responsive to the wishes expressed in this House by the non-official Members.

Mr. President: Has Khan Bahadur Sarfaraz Hussain Khan got anything to say in the matter?

Khan Bahadur Sarfaraz Hussain Khan (Palna and Chota Nagpur *cum* Orissa: Muhammadian): Sir, I have nothing to add, to the arguments advanced by my Honourable friend Mr. M. K. Acharya. We are simply going to draw the attention of the Government to the fact that, although an assurance was given, the contrary has happened.

Mr. President: The Honourable Member need not go into the merits of the question on a point of order.

Khan Bahadur Sarfaraz Hussain Khan: Then I would repeat the same arguments which have been advanced by my Honourable friend Mr. Acharya.

Mr. President: Neither the Honourable Member from Madras nor the Honourable Member from Bihar have shown any reason why the Chair should reverse the decision deliberately arrived at by its predecessor. Honourable Members know that Government have got to face the music of these highly inconvenient and controversial motions in the near future and that would be the more appropriate occasion when questions of this nature could be properly dealt with. The Chair cannot, therefore, at this stage allow debate on matters of policy on these restrictive votes, which, as Honourable Members are aware, deal with particular increases asked for. The Chair, however, points out that Honourable Members are entitled to oppose any supplementary Demand for Grant on its merits or without giving any grounds.

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, I rise to oppose this motion. I oppose this motion on the ground that the Railway Board or rather the personnel of the Railway Board do not fulfil the expectations of this House in certain respects.

Mr. President: Order, order. The Honourable Member is traversing the same ground again. The Chair has already ruled that Honourable Members cannot go into the general question of policy.

Mr. O. S. Ranga Iyer: Without going into the question of policy, Sir, I should like to make the statement that I oppose this motion on the ground that the Railway Board is irresponsible.

Mr. President: The Chair cannot allow the Honourable Member to open that big question on this vote.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhamadan Rural): Sir, I obey fully your ruling that questions of policy cannot be raised on this motion. I shall therefore in opposing this motion confine myself to the point directly raised by the vote that is demanded of the House. This vote, Sir, is demanded in respect of three items. One is for the provision for the appointment of a Director of Finance. Another is for the provision of some leave arrangements. The third is for the payment of some gratuities in respect of retrenchments effected. At the outset, Sir, I might clear one misapprehension and that is that in opposing this motion I am not in any way detracting either from the labours of Mr. Sim in effecting the retrenchments that he has made or refraining from expressing my gratification that after all the Government have seen fit to find at least one Indian who is capable of filling one of the posts of Directors under the Railway Board.

Mr. G. G. Sim: Two.

Mr. A. Rangaswami Iyengar: Thank you, Sir. (*An Honourable Member:* "Small mercies!") But, Sir, I thought that this House was told the other day that throughout the length and breadth of this country, which has one-fifth of the population of the world there was not one Indian who

was fit to be one of the Members of the Railway Board and therefore it is some comfort to me to know that in the places next to the Membership of the Railway Board they have been able to find not one Indian but, as my Honourable friend proudly claims, two Indians. If there are two such people who are fit, I think one of them can be on the Railway Board. However, that is by the way. The point upon which I wish to oppose this motion is this. You will recollect that during the Railway Budget debate when we had the honour of having you, Sir, amongst the stalwarts on this side of the House you put down a motion for reducing the grant under the Railway Board by a sum of Rs. 77,000. And one of the principal reasons why you wanted this cut of Rs. 77,000 was the fact that the Government had proposed in the Budget to add one additional appointment of Director among the Directors to the Railway Board and you said, Sir, at that time in this House that you did not want any addition. On the other hand you wanted retrenchments. Now, Sir, I ask what have the Government done? As the House is well aware, that motion was carried by the House on principle. You, Sir, also took care to point out that so far as that appointment of Director was concerned, it was under a non-votable head and therefore you had no alternative but to put down that cut under the votable head in order to compel the Government to make that cut in the non-votable head by making an adjustment. What have the Government done on this matter? Directly the cut was carried in this House, I put a question to the Honourable the Finance Member to let me know whether that cut of Rs. 77,000 was restored by the extraordinary powers of His Excellency the Viceroy, powers which have been given to him under the Government of India Act. The Honourable the Finance Member said that there was so far no proposal to restore that cut. Therefore, Sir, the cut that was made by this House was accepted and I take it that the acceptance of that cut also meant the acceptance of the principle upon which that cut was based, namely, that the additional appointment of Director of Finance should not be made by the Government. What has happened since? Subsequently, the Honourable the Railway Member and my Honourable friend, the very clever, the very efficient Financial Commissioner, put the matter before the Standing Finance Committee on Railways. They said that this appointment of Director of Finance was a most essential appointment and that they were going to appoint to it an Indian whose efficiency was beyond question. That was a very seductive way of putting it and my friends on the Railway Standing Finance Committee certainly persuaded themselves that there was necessity for the provision of the appointment of the Director of Finance. Now, Sir, I am not quarrelling with the decision as to whether there should be a Director of Finance or not. Our objection was that because of the very large number of Directors that then existed in the Railway Board at the Budget time of last year, there was no necessity whatever to add one further Directorship. We had no objection to an Indian being appointed as Director of Finance, but we had every objection to the creation of an additional appointment. We thought, Sir that by proper retrenchment and re-arrangement, it could have been possible for them to get an Indian Director of Finance and at the same time to get rid of one of the Directors. That was the position we took at that time. Notwithstanding that, the Government added this appointment and they got the sanction from my Honourable friends of the Railway Standing Finance Committee on the plea that the appointment will be on trial for a period of 12 months to see the results thereof. What

[Mr. A. Rangaswami Iyengar.]

I now ask the House to say is whether they are going to allow the decision of the House to be flouted in the manner in which it has been. My Honourable friend the Financial Commissioner, I know, will say that they have made reductions in the total amounts involved, which are very much more than the cut which was made at the instance of you, Sir. Government point out in the memorandum that was placed before the Railway Standing Finance Committee that they have made retrenchments which are far larger than the amount which they now ask for the provision of the post of Director of Finance and also for the leave arrangements which they have now made. That may be so, Sir. But I say from the fact that they have been able to find this money for this additional post of Director of Finance by savings, that there is a good deal of extravagance that is prevalent in the Railway Board. Therefore, I object to this grant not that the Director of Finance should not be appointed, but because I see that the decision of this House has been flouted. We have every right to complain that the Government have always been maintaining a standard of establishments which is far beyond their requirements and that in the Railway Board this state of things is particularly rampant. My friend the Honourable the Financial Commissioner, after giving a list of the retrenchments he was able to effect as a result of the cut, has pointed out that:

"It will be seen that the retrenchments effected not only meet fully the reductions indicated by Mr. Patel but go beyond them. In effecting these retrenchments the Railway Board have been influenced by a desire to meet the wishes of the Assembly."

Now, I ask, supposing the cut had not been carried last year, supposing we had listened to the specious arguments put before us at the time by the Honourable the Financial Commissioner for Railways, would Government have been at pains to make this reduction? I think not. I fear that the fact of making the cut and the additional fact that His Excellency the Viceroy did not consider it necessary even by virtue of the powers of certification that he possesses, to restore the cut, the Government were compelled

The Honourable Sir Basil Blackett (Finance Member): May I point out that it is the Governor General in Council who restores grants and not His Excellency the Viceroy?

Mr. A. Rangaswami Iyengar: I stand corrected. Then I can use freer language. By reason of the fact that the Government of India did not dare to restore this cut, because they would stand condemned, it is made clear that the cut we made had a very wholesome effect on the Railway Board and therefore they looked into the matter and were able to effect retrenchments greater in value. That leaves the main question unaffected. The question is that we said we cannot have this additional Director of Finance. You then go to the Standing Finance Committee and say you want this Director of Finance, but you do not tell them the fact that as a matter of fact the total number of Directors ought to be reduced; instead of that you tell us you have abolished the posts of three Deputy Directors. I say, Sir, that when all these posts could be abolished, you can by more efforts abolish more posts in the Railway Board and that all this is a mere indication of the hopeless extravagance with which the Railway Board has been run. I am sure that if the Honourable Mr. Sim stays on for another year, he would be able to find that he could effect a substantial reduction still further without impairing the efficiency of railway administration.

I say that if we put down another cut of 2 lakhs in the forthcoming Railway Budget, I am sure that the Financial Commissioner will be able to see that these two lakhs are found by reduction in establishment. I therefore oppose the motion of the Honourable Mr. Sim.

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muham-madan Rural): Sir, when my friend Mr Rangaswami Iyengar says we should not vote a Demand for Grant I almost always feel inclined to agree with him; but there arise occasions when I may not agree with him, and this is one of the occasions on which, with great respect, I must dissent from the view he has taken. Sir, when we wanted to effect a cut of Rs. 78,000 last March we knew that we could not touch the non-votable portion which we really aimed at; but we had to effect a cut in the votable portion on the ground of the extravagance of the Railway Board on its non-voted side. The Railway Board has responded to our demand completely. We complained of extravagance to the extent of Rs 78,000; the Railway Board has gone a step further and effected retrenchment by a sum of Rs. 10,000 more than the House demanded. In effecting this retrenchment the Railway Board has worked on lines somewhat different from what we suggested. Instead of abolishing the additional Director it has reduced other officers. But that is a matter of detail. The main point is that the Railway Board has acceded to the desire of the House and has gone a step further and reduced a sum of Rs. 10,000 more than this House demanded. Mr Rangaswami Iyengar says he wants a Director of Finance, that he wants an Indian; he has now got an Indian as a Director of Finance and he has got more savings than he wanted. That being the case I cannot see the ground of his opposition. It is curious that when he has got what he wanted he should turn round and say he does not want it. There is another feature about this appointment of a Director of Finance which Mr Rangaswami Iyengar has not quite carefully noted; the Standing Finance Committee for Railways did not agree with the Railway Board on the ground that there were Directors in other branches. We agreed to a Director of Finance for retrenchments and economies and not merely on general grounds. We were not told at the time of the last Budget that the Director of Finance was wanted for that purpose and therefore we objected to the appointment; but in July last we agreed provisionally to the Director of Finance being appointed on the specific and new ground that this appointment was necessary in the interests of greater retrenchments and economies. But even then we did not want to take the matter on trust; we said if you really want in the interests of economy to have a Director of Finance, have him for a year provisionally and if you can show results during that time we will consider further the question of confirming him or otherwise. It was on that condition only that the Standing Finance Committee agreed. It is true that at that time the cut of Rs 78,000 made by this House was not yet effected by the Railway Board; but since then the whole of the cut proposed by the House plus an additional Rs 10,000 has been met by the Railway Board, and this officer was provisionally appointed for twelve months; and although an attempt was made last month in the Railway Finance Committee to confirm the Director of Finance at once, I am glad to say that Mr Sim was among those who said we would not confirm him before the whole period of twelve months was over. I do not see, Sir, what ground remains for the argument that this appointment is a flouting of this House. It is not a flouting at all. The House desired economies, and the Government have effected them. The appointment is made

[Mr. Jamnadas M. Mehta.]

in the interests of economy and only a few days ago it was given out in the Railway Finance Committee—I hope I am not revealing any secret—that already the appointment of Director of Finance had resulted in considerable savings. We did not examine this matter further in the Railway Finance Committee because we propose to examine it fully at the end of twelve months; I can assure the House that if I happen to be on the Railway Finance Committee then, unless and until the Director of Finance has justified his existence, I am not going to confirm him. The Finance Committee is fully alive to this aspect of the question; therefore on grounds of finance as well as on constitutional grounds and on grounds of economy, and on the ground that the Government and the Railway Board have met the demand of the House beyond what the House desired, I do not think there is any ground for opposing this Grant.

Mr. H. G. Cocks (Bombay: European): Sir, as a member of the Standing Finance Committee on Railways I should like to endorse the remarks of the last speaker. When the Honourable Mr. V. J. Patel moved his cut in this House last March I thought it a most unreasonable one and that every Member of this House would have considered it went too far, but the Railway Board have met the situation by retrenching certain officers. What I should like to know from the Honourable Member in charge is whether, in view of the fact that the railways are not standing still, and that there are afoot very large additional schemes of construction, the Railway Board have suffered by that retrenchment and whether it is considered that the Railway Board ought to be restored to its former strength.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): I beg to submit that the question raised by Mr. Rangaswami Iyengar is going a bit too far. (Applause). I agree with him that this appointment of Director of Finance will help him to retrench

Mr. A. Rangaswami Iyengar: On a point of explanation, I do not at all object to the appointment of a Director of Finance or of an Indian. As I made it perfectly clear, I do not want an addition to the Directors of the Railway Board which were provided for in the Budget and cut down by this House.

Mr. K. Rama Aiyangar: I quite follow what my friend has stated. The Railway Finance Committee has only exercised discretion to that extent. He may be quite right in saying that some other Director in that Department may go. We may come to that conclusion next time. But that has nothing to do with the real provision that was made by the Finance Committee when actually more than what was asked to be cut by the Assembly was given effect to and when this particular appointment was expected to yield good results. Under these circumstances I do not think my friend will feel that the duty of the Railway Finance Committee has been discharged in any way wrongly. It has been exercised for the best interests of the Railway Board and of the country.

***Maulvi Abul Kasem** (Bengal: Nominated Non-Official): Sir, I think I will be failing in my duty if I give a silent vote on this motion. (Hear, hear.) The question has been raised that the Railway Board, in not having reduced one of their Directors, has failed to carry out the wishes of this

*Speech not corrected by the Honourable Member.

House. I have been trying to understand the situation, but I have not been able to do so. I could understand if a particular Director who ought to be reduced had been mentioned, because each department has to be worked on particular lines. Suppose you reduce the Director of Mechanical Engineering or the Director of Finance how are you going to work? Each has a particular department to work and it will not do to say, "You have seven men, reduce one", because each is engaged in a particular kind of work. Therefore the Railway Board cannot be said to have disregarded the wishes of the House. However, that is a small matter. A good deal has been said about the Director of Finance's appointment. It has been said "We do not object to a Director of Finance and we do not object to an Indian, but what we object to is an increase in the number of Directors." But how was that increase to be avoided if you want a Director of Finance? As has been pointed out by Mr. Jamnadas Mehta and other members of the Finance Committee, the appointment of the Director of Finance has proved more economical than the House had any right to expect. The House only wanted a reduction of Rs. 77,000 and there has been a reduction of more than Rs. 77,000, and besides that other reductions are under consideration.

Mr. N. M. Joshi (Nominated Labour Interests): We are asking for Rs. 72,000 now.

Maulvi Abul Kasem: I believe if you carefully examine the figures, you will find that one of the reasons for this request is that one of the Directors, who was an official, to be more precise a European, was appointed by the Secretary of State and his salary was non-votable. Now he has been succeeded by an Indian gentleman whose salary is votable, and therefore this amount, which was budgeted in the non-votable items, has now been transferred to the votable items. If you reject this grant, what will be the result? The Railway Board will have no other alternative but to indent on a gentleman appointed by the Secretary of State and promote him to the post of one of the Directors, and remove the Indian gentleman whose salary is votable. So, in this respect, I think that you will be doing a great disservice to your country by refusing this particular Demand made by the Railway Board. Secondly, Sir, I want to tell Honourable Members, that economy does not only consist in reducing certain appointments or the salaries of certain officers, but in the general administration. And how can you carry on economical administration unless you have got men at headquarters with brains and energy to work out and capable of working out these reforms and these retrenchments? And you cannot have brains and energy for nothing and without payment.

The Honourable Sir Charles Innes (Member for Commerce and Railways): Sir, I will not take up the time of the House for more than a minute, but I do want to say that I regard this as a red letter day for Indian railways. Hitherto we have been accustomed to receive what I might almost call immoderate criticism in this House, and we have always had to defend ourselves against that criticism without very much assistance from other Members of the House. To-day we have had members of the Railway Finance Committee getting up and defending our grants. I think that shows a very great advance on the part of this House and I should like to express, on behalf of the Railway Board, our obligation to those members of the Standing Finance Committee who have helped to defend us. The only other point that I wish to make is this. My Honourable friend from Madras

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who sits opposite me (the Honourable Mr. A. Rangaswami Iyengar), stated that our acceptance of a cut made in the last budget debate meant that we accepted the proposition that a Director of Railway Finance was not necessary and that we did not dare restore the cut. Now, Sir, I should like to take the House into my confidence just a little on that point. When I was speaking against this cut last year, I said:

"We have not the slightest desire to have any greater establishment in the Railway Board than is necessary, and if during the course of the coming year, whatever the cause may be, we find that our work is going down and that our staff is too big, you may take it from me that we shall not hesitate for a moment to reduce that staff."

Now, Sir, when the Assembly made that cut, I definitely did not go to the Governor General in Council and ask for that cut to be restored. I said that we would do our best during the course of the year to make the retrenchments which the Assembly had asked for. I also stated openly in this House that we wanted a Director of Finance because that appointment would strengthen that branch of the Railway Board's office whose duty it is to check extravagance, and I promised the House that we would not make that appointment until we had gone to the Standing Finance Committee and convinced them that it was necessary. Now, Sir, what have we done? We have gone to the Standing Finance Committee; we have had this proposal examined by an elected body composed of non-official members of this House and they have agreed that the appointment was necessary at any rate for the first 12 months. Were we not justified in these circumstances in making that appointment and trusting that the House would confirm the advice given to us by its own Committee? In addition we have carried out more than the retrenchments asked for by the House, and I am perfectly confident that the House in these circumstances will not accept my Honourable friend's motion.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 72,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of the 'Railway Board'."

The motion was adopted.

EXTENSION OF THE LEE COMMISSION'S RECOMMENDATIONS TO OFFICERS OF COMPANY RAILWAYS.

The Honourable Sir Charles Innes: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 68,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of the 'Working Expenses—Administration'."

The particulars of this Demand have been set out in detail on pages 2 and 8 of this Blue-book which has been circulated to Honourable Members. Of the 68 lakhs for which I am asking, the Standing Finance Committee have approved of 31 lakhs. Somewhat naturally they preferred, not to express an opinion upon the balance, namely, a Demand for 37 lakhs of rupees which I am asking for for the purpose of extending the Lee Commission's proposals to officers of the East Indian Railway, the Great Indian Peninsula Railway and Company Railways with effect from the 1st April, 1924. The House will remember that we made provision for this amount in the Budget of last year. That provision was, however, cut out with my consent. I did not

oppose its being cut out for two reasons. In the first place, in February last year the Governor General in Council had not been able properly to consider the matter. In the second place, as the House will remember, the Lee Commission's proposals consisted of two parts. One part proposed certain benefits to officers. The other part made certain proposals for increased Indianisation. In particular they made a recommendation in regard to Indianisation on the Indian Railways in the following terms:

"We are strongly of opinion that the extension of the existing facilities should be pressed forward as expeditiously as possible in order that recruitment in India may advance as soon as possible up to 75 per cent. of the total number of vacancies in the Railway Department as a whole."

In fact, as the Honourable the Leader of the House said in a speech in this House, those proposals were in the nature of a fair compromise. Now, when we discussed the Budget last year, I had not been able to ascertain from the Company Railways whether they were prepared to accept that part of the Lee Commission's proposals which related to Indianisation, and it was for these reasons that I thought it would be wrong for me to press the proposals before the Assembly. Since then we have had correspondence with the Company Railways and their Home Boards. Of course there is no difficulty about the East Indian and the Great Indian Peninsula Railways, since last year we took both railways under direct State management. But as the result of our correspondence with the Home Boards of the Company Railways I am in a position to say that they do accept that proposal of the Lee Commission with regard to Indianisation, that is to say, they are prepared to expedite training facilities in order that they may work up to a recruitment of 75 per cent. of the total number in their departments in India.

Mr. B. Das (Orissa Division: Non-Muhammadian): For which year—1924 or 1925?

Mr. A. Rangaswami Iyengar: I was not following the Honourable Member. Will he kindly state the position again?

The Honourable Sir Charles Innes: I was trying to explain to the House, or those of the House that were listening to me, that the Lee Commission's proposals consisted of two parts, one relating to certain benefits for officers, and the other relating to increased Indianisation. They made certain proposals regarding Indianisation and those proposals have been accepted in full by the Company Railways. That is the position I wish to bring before the House. That being so, the case is now ripe for submission to this House. I am aware that the House has already decided not to have anything to do with the Lee Commission's proposals, but I am not without hopes that they will accept the fact that those proposals have been extended to officers of Government departments. They have been extended among others to the officers of State Railways. Now, the scales of pay of officers of Company Railways are based on the scales of pay in force on State Railways; in no case are they greater. There are officers on Company Railways doing approximately the same work, there are officers of corresponding status and emoluments to officers in the Indian Service of State Railway Engineers and officers of the superior revenue establishment of State Railways. We have also ascertained by an actual examination of records that whatever improvement the Government of India have sanctioned, improvement of pay or improvement in the conditions of service, for officers of those

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two departments of State Railways, Company Railways have been authorised automatically to extend the same concessions and the same improvements to their own officers. This being so, these officers we consider have a right to expect that they should get the same benefits as have been extended to the State Railway engineers and the officers of the superior revenue establishment of the State Railways. We do not think it would be fair to withhold these concessions from them; and since the Home Boards of Company Railways have accepted that part of the Lee Commission's proposals which relate to increased Indianisation, we are satisfied that we, on our part, must extend these concessions to their officers. That, Sir, is the reason for this Supplementary Grant which I am asking.

Mr. M. K. Acharya: Sir, I rise to move the amendment standing in my name:

"That the Demand under the head 'Working Expenses—Administration' be reduced by 37 lakhs."

The House has just listened to the arguments of the Honourable Sir Charles Innes asking the House to vote this Demand. I should be insulting the intelligence of this House if I should traverse at any length the old ground which ought to be very familiar to us all with respect to the manner in which the Lee Commission was appointed or its recommendations made. This House not without some great effort on its part got the chance of discussing the recommendations of the Lee Commission in detail on the 10th September, 1924. I hope that everybody, on this side of the House at least, remembers, and Sir Charles Innes seems to have referred to it himself,—everybody on this side of the House remembers the feeling with which the recommendations of the Lee Commission were greeted by the representatives of the people. It must be within the memory of everybody present here how on the 10th September, 1924, the Leader of the House wanted this House to give its sanction to the very many recommendations of the Lee Commission and how an amendment was moved by my honoured leader Pandit Motilal Nehru to the effect that for reasons stated in the amendment the recommendations of the Lee Commission be not accepted. It is enough for my purpose now to point out that the amendment was carried by this House by 68 votes to 46. In other words, the amendment that the recommendations of the Lee Commission be not accepted was voted for by almost every non-official Member of this House, and that ought to have shown the official side the great feeling in the country. Almost everybody who came here as representing the people felt bound on that occasion to show in the most unmistakable terms that the non-official Members of this House would not be a party to what has been very properly called the Lee loot. Here we are called upon by the Honourable the Commerce Member to give an expression of our opinion again on that same question. He has referred very rightly to what happened last year at the appropriate time, namely, the Railway Budget. On the 27th February, 1925, this item came up and there was an amendment by my friend, Mr. Kelkar, whose absence from this House we all deplore, to the effect that 37 lakhs be cut off from the amount required for the Lee Commission's recommendations; and Sir Charles Innes then, for reasons of which he was the best

judge, thought it well not to discuss this question; he withdrew that proposal to provide 37 lakhs in the Budget and therefore there was no discussion about it. I want, Sir, now to point out that he is introducing this very large question in a Demand for a Supplementary Grant. It was not discussed at the regular time; it was not discussed last year during the time of the Railway Budget, and therefore the Members of this House did not have an opportunity to enter into any of the details with respect to his demand for 37 lakhs. I do not know, Sir, how far it is fair to introduce in a Supplementary Grant an item which on principle is open to objection and about which on principle, it must be well known to the opposite side that this House has got very strong objections. It is not here a question of details only. It is both a question of detail and a question of general principle. I therefore object, Sir, in the first instance to the introduction of this very large item in what I may call a very surreptitious manner (*Cries of "Oh, oh"*) as part of a huge Supplementary Demand. Very well, Sir, I will say in rather not a straight manner (*An Honourable Member*. "That is worse") as part of something else. I think it would have been more fair that this item should be discussed during the more appropriate occasion when all other items come up, namely, during the time of the Railway Budget. However, it has come before us, and I am sure that we on our side shall not be lacking in giving the answer that the Demand calls for.

Sir, I was looking up the proceedings of the Standing Finance Committee for Railways to see if there at least any detailed explanation is given with regard to this item of 37 lakhs. The Honourable the Commerce Member just a little while ago congratulated himself (and I dare say he had very good reason to congratulate himself), on the fact that he was able to cast the apple of discord among ourselves (*Cries of "No, no"*); at any rate he felt glad that among the non-officials themselves there were some who were prepared to take his side as against those who were not so prepared.

The Honourable Sir Basil Blackett: They were discussing things on their merits.

Mr. M. K. Acharya: On this item at least, both on principle and on its merits I hope I shall also be able to congratulate myself that we on this side of the House shall give our answer with one united voice. I think I shall not waste more of the time of the House. I believe it is a duty we owe to ourselves—I shall be glad if the opposite side does not press it—it is a duty we owe to ourselves, having expressed our ideas about the Lee Commission recommendations in general, having raised this question last year and having induced the Commerce Member to withdraw it last year, I believe it is a duty that we owe to ourselves that every non-official Member here should see that this item is again rejected. I again wish to point out here that no explanation is given as to how this 37 lakhs is arrived at; not that I regret it: even if it had all been given there it would not have made the slightest difference to me; it would not have swayed my judgment on the question in the least fashion if all the details had been there as to how this figure had been arrived at; I would perhaps have not even cared to read it; the whole matter in my eyes would not be worth reading at all. Therefore it does not matter to me. But with regard to those others who are supposed to be much more

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reasonable, who will go into the merits of the question and for whose sake perhaps all these details are supplied—I was looking as I said into the proceedings of the Standing Finance Committee and I found nothing there except this, that 37 lakhs are required in connection with the recommendations of the Lee Commission: We read “Rs. 68 lakhs made up of the following: . . . 37 lakhs are required to meet the extra expenditure for the extension of the Lee Commission concessions to the officers of the Great Indian Peninsula Railway and Company-worked Railways from the 1st April, 1924”; and we find the laconic statement at the end that “the Committee considered that the portion of the Demand relating to the Lee Commission should be dealt with separately in the Assembly”. I am glad, therefore, I shall not have the thundering eloquence of any members of the Standing Finance Committee rising up against me, at least on this item. I trust they will support me. I hope they have already objected to this item in the meetings of the Finance Committee and I hope they will one and all support me and that they will come up and join the force of their arguments also to what I am now moving, namely, that this item be reduced by 37 lakhs—the amount required for the concessions suggested by the Lee Commission. As I said we do not know what these concessions are; they may be right or they may be wrong; they may be very liberal or they may not be very liberal; they may or may not be just the barest that may be required; but whatever that is, I believe that we shall be doing the right thing by refusing to consider this thing. It is a matter on which this House has already made up its mind; and applying the general principle to which we have committed ourselves I believe that it needs no argument to say that this should be rejected. I therefore move, Sir, that this 37 lakhs be reduced from this amount

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot; Non-Muhammadan Rural): Sir, I only want some information from my Honourable friend the Commerce Member. I see that in the Demand for 68 lakhs, 37 lakhs represents the cost of extending the Lee Commission concessions to certain railway officials. What I would like to know from him is this: whether this sum of 37 lakhs represents the entire cost to the railway administration of the effect of extending the Lee Commission concessions or whether under the non-voted items there is any further amount which would be represented by the extension of these concessions.

Mr. B. Das: Sir, I rise to support the amendment moved by my Honourable friend, Mr Acharya, but my reasons are quite different from those which my Honourable friend gave. Sir, my friend gave the reason that we threw out the Lee Commission's recommendations in this House on a political issue and we were not going to discuss the merits of this question. Sir, I oppose the grant of this Demand for 37 lakhs on the merits. My friend, the Honourable the Commerce Member, wants to give away these magnificent bonuses to railway officials from 1924. He says that the State Railways being under the Government, they are bound to accept the Lee Commission's recommendations, and that the Company-managed Railways have accepted the recommendations also. Well, Sir, the East Indian Railway became a State Railway from January 1925,

and the Great Indian Peninsula Railway became a State Railway from July 1925. Why should the officials of those Railways be given the benefits of these recommendations from 1924? And what about Indianisation? Sir Charles Innes said that 75 per cent. of the higher officials of the Railways would be Indianised. May I ask the Honourable Sir Charles Innes whether in those two years the Railways have taken steps to raise the percentage to seventy-five per cent.? If not, are you going to stop recruitment in England till the percentage is raised to 75? Then what about the Company-managed Railways? Well, probably the Directors in England are very satisfied that their English officials in India are going to get a large amount of bonus from 1924, and so they accepted it. But I should like to know what steps the Company-managed Railways are taking to Indianise the higher services. As far as I know, there are only one or two Indian officers in each of the Company-managed Railways, and I know that Indian Engineers trained in England, whenever they go to the Railway Board's offices for an appointment, are simply shown the door point blank. They are plainly told that they are not wanted, they are clearly told that Indians are not entertained on Company-managed Railways. Although these Company-managed Railways have very little capital from England, still the Boards of Directors in England refuse point blank to entertain Indian graduates, even though they are trained in England, in the Engineering Departments and are graduates of Commerce with railway experiences in engineering and traffic. When that is the position, I do not see any reason why we should allow the officials of the Company-managed Railways the benefits of the Lee Commission, and that from 1924. If the Honourable Sir Charles Innes has so much surplus money, let him effect some reduction in freights. I mentioned the other day that the freights on coal were enormous, and he could reduce the rates on coal and also on passenger traffic. Instead of that he is going to give a large bounty to English officials, specially to those Railways which have been notorious for excluding Indians from the superior services. I should be quite prepared to agree to the recommendations of the Lee Commission if you can show me that 75 per cent. of the officers are Indians. You may of course say that it is impossible to dismiss all the officers who are already in service. I do not propose that you should do anything of the kind. But why should you not stop the recruitment of Englishmen and show us that you are genuinely interested in Indianising the services, that you are determined to increase the percentage of Indians up to 75 per cent.? You never do that. I know there are dozens of Indians who are trained in England both in mechanical and electrical engineering and also in commercial degrees who knock at the door of the offices of the Financial Commissioner and various Commissioners of the Railway Board, for posts in the Engineering and Traffic Departments in the superior grades and they are told point blank that there are no vacancies or that Indians are not wanted. Can the Financial Commissioner for Railways tell me just now that he has reached the figure of 75 per cent. of Indians in the Railway Department? He has not. But everywhere steps are taken to oust Indians and to show to this House that Indians are recruited in the higher grades of the railway services. Indians in the clerical department who are occupying the positions of superior clerks on Rs. 250 or Rs. 300 are promoted in their 45th or 50th year to Assistant Traffic Superintendentships or as Assistant Engineers; they are shown in the list of the Railway Board in the Annual Report on the superior grades list in order to show to this House and

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to the public that there are so many Indians in the higher grades. But most of them are superannuated old people, who will be discharged from service after a year or two or who will be pensioned off after a short time, and the House is hoodwinked in this fashion. It is not at all fair to us. We are going to be fair with you. We want you to enjoy the benefits of the Lee Commission's recommendations. The political issue involved in the matter is quite different; we have raised it very often and we will raise it on different occasions till we attain our political freedom. But are you going to fulfil the second part of the Lee Commission's Report with which India is concerned, and which you are always postponing? My Honourable friend, Mr. Sim, is going to leave the Department, and we naturally expected that an Indian would be appointed to succeed him. I do not want to raise that point now; we will raise it on another occasion. Every time the Members of this House are hoodwinked by the Honourable the Commerce Member saying that they are Indianising the services, though they never seriously intend to do so. Therefore, Sir, we are going to oppose the present motion before the House.

Mr. Jamnadas M. Mehta: Sir, I am not going to disappoint my friend Mr. Acharya. I am whole-heartedly at one with him in rejecting this Demand. Sir, I think it is somewhat unfair that this proposition should be brought as a supplementary grant, before the policy underlying it has been debated in the first instance. You have ruled, Sir, that this is not the occasion to discuss questions of policy, but in this particular instance the question of policy was never discussed in the Assembly, and therefore I say it is somewhat unfair that this matter should be brought up at this stage before the discussion on the merits of the policy has taken place on the floor of this House. Therefore, Sir, while bowing to your ruling, I submit that on this occasion, in this matter at least, the policy also is subject to review of the House.

Then, Sir, without going at length into the Report of the Loot Commission—it was nothing less than a Loot Commission—I say that the acceptance of the recommendations of that Commission reveals our rulers in a light which is not very flattering to them—they have the possession of the money and they pay themselves as they like, at the rates they like, and in any manner they like; as many as 49 different concessions have been given by this Loot Commission. I had calculated this on a previous occasion, and I found that, small and big, put together, in all there are 49 different concessions, every one of them costing money to the people of India. And furthermore, this was done at a time when the prices of things were going down; only a few years after the increments of 1919 when top prices were ruling.

Mr. President: The Chair cannot allow the Honourable Member to go into all the recommendations of the Lee Commission. He must restrict himself to the particular recommendations with which the House is concerned.

Mr. Jamnadas M. Mehta: Sir, this involves all the recommendations of the Lee Commission.

Mr. President: The Honourable Member must confine himself to such of the Lee Commission's recommendations as apply to the railway officials concerned.

Mr. Jamnadas M. Mehta: May I submit, Sir, that even this restricted Demand about the increase in the salaries of company railway officials includes almost every one of the Lee Commission's recommendations, and this question of extending the concessions to the officers of company worked railways was never discussed on the floor of the House. I am not going one inch outside those recommendations.

Mr. President: Will the Honourable Member proceed further?

Mr. Jamnadas M. Mehta: Yes, Sir, I am doing so. I once more protest that this Demand should have been brought on the occasion of Supplementary Demands for Grants; our objection to the Lee Commission concessions remains absolutely unaltered. Sir, after the separation of the Railway Finances from the General Finances, the Railway Board itself should have resisted this particular encroachment on the public purse. Sir, what is the object of the separation of the Railway Finances from the General Finances. It is to work the Railways on a commercial basis, but what is the charm in the word "commercial", if you do not follow commercial methods? The whole argument for the separation of the Railway Finances was that we were going to treat the Railway Department as a commercial department, we were going to commercialise the Railways, and to follow business methods in the working of the Railways. Now, Sir, the particular Demand is the clearest indication that that is not being done. This may be all right in a State Service. But in a commercial service a concession granted to all and sundry without reference to the merits, without showing results, is utterly out of place. Sir, I will quote a little from a speech I made when the question of the separation of Railway Finance was under consideration. I then warned the Government that the railway service was not like other Government departments. I said "The railway service was organized as a public service and under the present proposals of the Government it will continue as a public service and not as a commercial service. We should insist on results being shown by your services; and if they cannot, you either dismiss or remove or degrade them." That ought to be the method pursued in the railway administration, but what do we find? We find that the Lee Commission proposals are to apply to all railway officials who were appointed under certain conditions, without reference to the work they have done, without regard to the results they have shown. Take only one railway the Assam-Bengal Railway. This Railway, I suppose, will come under the benefit of these 37 lakhs of rupees. Well, Sir, this Railway was opened in 1895. It is now 30 years since that Railway began to work and during these 30 years this Railway has been subsidised by the tax-payer to the extent of 10 crores of rupees. It is working at a loss every year to the tune of 30, 40, 10 or 20 lakhs. There is not a single year during which this Railway has shown anything but loss ever since its inception, and the total amount of loss up to date is 10 crores of rupees; and still the officials, belonging to the State Railways and the Company-worked State Railways will get these concessions. They will get higher pay and passage money; they will get medical attendance; they will get anything and everything which was permissible for the Lee Commission to grant: this is utterly unbusinesslike and therefore, Sir, I want the Members of the Railway

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Board, including the Railway Member, to disown these concessions so far as these railway officers are concerned. Just as I helped my Honourable friend Sir Charles Innes and my Honourable friend, Mr. Sim, only a short while ago, it is their bounden and sacred duty now to help us, to vote with us, and to denounce this grant because it is not in the interests of railway efficiency. You cannot breathe hot and cold in the same breath in relation to the same administration. This is pre-eminently unbusiness-like. It is not warranted by the condition of the Company-worked Railways. The Bengal-Nagpur Railway might be put in the class which is not altogether paying. Other railways might be mentioned, but I mention the case of the Assam-Bengal Railway only; you can verify it from the books, that this Railway has put us to a loss of 10 crores. It has been consistently working at a loss, and still we are to pay to these officers all these huge concessions. Surely this is not a kind of thing which this House can accept, and it is not commercialization of railways to which this House has agreed. I say, Sir, your separation of Railway Finance will be a farce if in the railway administration you introduce these methods of paying a man according to the number of years of his service without regard to the results of the work which he has been putting in. It is not only unbusinesslike, it is wrong, it is unjust; it is practically robbing the public of so much money in the interests of the incompetent officers. They do not deserve these concessions, and if at all they deserve anything, it is rebuke. Here you are placing a premium on incompetence by giving these huge concessions to people who have put us to a loss of 10 crores. That is not the right way to proceed in the case of a commercial enterprise like the Railways. When I urged during the debate on the separation of Railway Finance that the Railways should not be treated as a Government service, my friend, Sir Clement Hindley, who was that day in charge of the Resolution, was kind enough to speak with the greatest admiration of my speech, and he said that I had the clearest vision of this question. (Laughter.) Sir, if that was so, you must now come to my help. If I had the clearest vision then, I have it now still, and you must agree with me that these 37 lakhs cannot be granted. And I remember that when the motion of my friend Mr. Acharya about the railway employees was under discussion, my Honourable friend, Mr. Sim also referred approvingly to my observations about the railway service against increase of salaries without results being shown. While however it was a question of increasing the poor man's salary at that time, my remarks were very relevant and agreeable. Therefore now, Sir, in all fairness and honesty, I ask you to disown this grant and not to have anything to do with it. Now, Sir, in order to give effect to the recommendations of the Loot Commission the Secretary of State makes rules and regulations; and the use of this rule making power opens up a vista of further jobbery; the definitions and interpretations are wonderful and surreptitiously increase the cost of these costly concessions. In one place the definition of a child is, if a male, any person up to 24 years of age, and if a female, up to any age if unmarried. So these concessions and passages to these railway officers will apply according to these various ridiculous definitions. In another place a child has been defined to include also a step-child. Now there is no limit to the number of step-children a man might have (Laughter), and it is preposterous that these railway officers should

include in their demand for passage money their step-children. The number of step-children an officer might have will depend upon the number of times the officer has married widows and the number of times the said widows have in their turn married. In an extreme case it is possible that a man will have more step-children than his own children. What would be the result on the public purse? And still this is the wonderful definition of children given for these various concessions. I remember one gentleman remarking that you can also define a wife as a lady whom one is going to marry, if the lady is betrothed to you: that definition would be permissible on the analogy of the very valuable definitions I have referred to. In such a case a man simply because he is engaged to marry that lady is going to get passage money for her, and if he perchance changes his view and on going to England marries another lady, then that other lady will get the benefit of the return passages. These are the absurdities to which these rules and regulations reduce themselves, apart from the grossly objectionable character of the proposals on the ground of public policy. They are objectionable on the ground of commercialization. They are objectionable politically and they are rendered more ridiculous and objectionable by the definitions and interpretations which the Secretary of State for India goes on making day after day under the powers conferred upon him, adding burden upon burden on the public purse of India. On these grounds I am perfectly certain that the House will throw out, and I am sure at any rate that my Honourable friends Sir Charles Innes and Mr. Sim and all the European officers will join with us in throwing out this Demand.

The Honourable Sir Charles Innes: Sir, when I moved this Demand, I said that I admitted that the House would be consistent if it rejected this Supplementary Demand, but I hoped that the House would take a more generous view. I have been told that this motion of mine is unfair, surreptitious, not straight. I may say, Sir, that I cannot understand those charges. When this matter was discussed in connection with the Budget last year, and when the Demand was cut out with the Government assent, I said quite distinctly in the House that we would go into the matter further and that if necessary we would put a Supplementary Demand up before the House. That is what I have done, and I am not aware, Sir, that either under the ruling given this morning or under any other rule, there is any reason why this House should not discuss in all its aspects this proposal to extend the Lee Commission concessions to officers of Company Railways and of the East Indian and the Great Indian Peninsula Railways. I cannot therefore, Sir, see that there is anything wrong, improper, surreptitious or unfair in the action I have taken. On the contrary I claim that I have taken a perfectly straightforward action. We have not paid, we have not extended, these Lee Commission concessions to Company officers at present. We have not done it and come to you to ask you to regularise our action. On the contrary we have deferred taking any action at all until this House had an opportunity of discussing the matter and I am afraid that the delay has caused great disappointment to the officers concerned. I am sorry for that, but still we were quite satisfied ourselves that we must give the House an opportunity of discussing the matter before we did anything. We have done that, Sir, and the reward we get is being called by these names. Mr. Shanmukham Chetty then asked what the Demand

[Sir Charles Innes.]

represented. The Demand represents the cost of extending these concessions to officers of the rank corresponding to the State Railway Engineering Service and the superior revenue establishment on State Railways, corresponding to officers on the East Indian, Great Indian Peninsula and Company-worked Railways from the 1st of April 1924 to the date from which these concessions were extended to officers of the State Railways.

Mr. R. K. Shanmukham Chetty: Are there any officers in the railway administrations whose salaries are non-voted and who would also be benefited by the extension of the Lee Concessions?

The Honourable Sir Charles Innes: We have extended them already to officers of the superior revenue establishment in State Railways and State Railway engineering establishments. We have done that already and that is the very reason, one of the main reasons, why I propose to extend the concession to officers of Company Railways.

Mr. A. Rangaswami Iyengar: What is the total amount involved in the increases already given under the non-voted head?

The Honourable Sir Charles Innes: That I do not know.

Mr. A. Rangaswami Iyengar: Will it be as much as this, or more or less?

The Honourable Sir Charles Innes: Less.

There is only one other speech that I need refer to and that is the very interesting one made by Mr Jannadas Mehta. He said that in making this proposal we were going against the whole spirit of the convention. The object of that convention was the commercialisation of not only Company Railways but all our Railways and that it would not be in accordance with commercial practice to extend these concessions to the officers in question. I sympathise a great deal with what Mr. Mehta has said. It would suit us and the Railway Board very much if we could allow the Agent of each Railway to take on such staff as he thought he required and pay each of those officers exactly such sums of money as he thought each officer was worth. That I imagine is what Mr Jannadas Mehta means by talking of treating our Railways on a purely commercial basis. But, Sir, in the first place I would ask Mr. Jannadas Mehta and the rest of this House whether the House for the moment would agree to such a system. Would they agree to Agents being allowed to take on exactly what staff they liked and to pay their staff exactly what they think they are worth? (*Several Honourable Members:* "No.") Mr Jannadas M Mehta: "Under the control of this House.") One thing that is absolutely clear is that the House would never divest itself of control to that extent. The other point you have got to remember is that we have inherited a legacy from the past. It always has been the custom to pay our railway officers in accordance with certain scales of pay. That system was adopted because when you want to attract officers to your service you must be able to tell them approximately what their prospects are. We have always had definite scales of pay in our State Railway engineering establishment and also in the superior revenue establishments and we have made it a practice to enforce approximately the same scales on Company Railways. These

officers are paid in accordance with certain scales. Mr. Jamnadas Mehta then said whether you pay them at particular scales or not, it is not good business to give these additional concessions to officers on Company Railways. I disagree absolutely and entirely. My experience—and it has been a pretty long experience in India now—is that it never pays to have a set of discontented officers. Mr. Jamnadas Mehta took the Assam Bengal Railway as a case in point. He said that it was a Railway which had always cost us money and he asked whether this was the time to give these officers any more benefit. But I wish to point out to Mr. Jamnadas Mehta that owing to the labours of the very officers whom I have in mind the return on the Assam Bengal Railway in the last two years has increased from 1 to 3 per cent. and that every year we are bringing the loss down. What does the House propose to do? As I have explained, these officers have always been paid on the same scale as State Railway officials. Rightly or wrongly we took a different view from the House in regard to these Lee Commission concessions. I do not wish to argue the matter over again. You may think that we were wrong. But at any rate we were satisfied, after considering the matter as carefully as we could, that that was the course of action we had to take. We did extend these concessions to State Railway officials and I say—and I say with all earnestness—having done that, we cannot fairly withhold it from the officers of the Great Indian Peninsula, East Indian and Company Railways; and that is the only proposition that I am putting before the House.

(Mr. President then rose to put the question.)

The Honourable Sir Basil Blackett: May I answer a question, Sir, that was put as regards cost? A question was asked as to what is the total cost of the extension of the Lee Concessions to all Railways. The answer is that the cost is Rs. 5 lakhs a year, already given, and a further Rs. 20 lakhs a year is involved in this additional proposal now. The figure of Rs. 37 lakhs is for 23 months. The total cost of the extension of the concession to State and Company Railways is Rs. 25 lakhs a year.

Mr. B. Das: May I ask the Honourable the Commerce Member a question? Why does he want to give these concessions from 1924 and not from the date on which these two Railways were taken over by Government?

The Honourable Sir Basil Blackett: May I just say a word on that? It is germane to the question which the House is going to decide. I put it to the House that they have not got to decide whether the Lee Concessions were good things. We know their view is that they were not. The question before the House is this. These concessions were extended to officers of State Railways as from the 1st of April, 1924. It had always been the practice to treat the salaries of officers of the Company Railways on the analogy at any rate of the State Railways. It was impossible to extend the concession to the Company Railways at the outset, because the Government took the view that they could not be extended to Company Railways until we had some assurance from the Company Railways that they accepted the other half of the bargain, namely, Indianisation. That having been accepted, the position is that you must in fairness to the officers of the Company Railways give them the same concessions as from the same date, namely, the

[Sir Basil Blackett.]

1st of April 1924, as you had given, if I may put it, automatically, under the Lee Concessions. I put it to the House that the decision that they have to take to-day is not whether or not these concessions are good things, but whether or not it is fair, having given

Mr. President: The Chair cannot allow the Honourable Member to make a speech at this stage. The Member in charge has already replied. The Chair thought that the Honourable Member was answering a question put to him and therefore he was allowed to speak. He cannot be allowed to make a speech at this stage.

The Honourable Sir Basil Blackett: I have no wish to make a speech. I was merely trying to clear the issue. I bow to your ruling. I merely wish to put to the House that the question before the House is whether or not these concessions, having been extended to the State Railways, should or should not be extended to the Company Railways.

Mr. President: The original question was :

"That a supplementary sum not exceeding Rs. 68,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of 'Working Expenses—Administration'."

Since which the following amendment has been moved :

"That the Demand under the head 'Working Expenses—Administration' be reduced by Rs. 37,00,000."

The question I have to put is that that amendment be made.

The Assembly divided :

AYES—50.

Acharya, Mr. M. K.
Ahmed, Mr. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Ariff, Mr. Yacoob C.
Badi-uz-Zaman, Maulvi.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Dr. S. K.
Duff, Mr. Amar Nath.
Ghose, Mr. S. C.
Ghulam Abbas, Sayyad.
Gulab Singh, Sardar.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kidwai, Shaikh Mushir Hossain.
Laipat Rai, Lala.
Lohokare, Dr. K. G.
Majid Baksh, Sved.
Malaviya, Pandit Krishna Kant
Mehra, Mr. Jannadas M

Misra, Pandit Shambhu Dayal.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Piyare Lal, Lala.
Ramachandra Rao, Diwan Bahadur M.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Sadiq Hasan, Mr. S.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Singh, Mr. Gaya Prasad.
Singh, Raja Raghunandan Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Talatuiev, Mr. S. D.
Tok Kyi U.
Venkatapuraju, Mr. B.

NOES—49

Abdul Qaiyum, Nawab Sir Sah bzada.
 Abul Kasem, Maulvi.
 Ahmad Ali Khan, Mr.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Alimuzzaman Chowdhry, Khan Bahadur.
 Bajpai, Mr. R. S.
 Bhore, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Carey, Sir Willoughby.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Crawford, Colonel J. D.
 Dalal, Sardar B. A.
 Donovan, Mr. J. T.
 Ghulam Bari, Khan Bahadur.
 Gidney, Lieut.-Colonel H. A. J.
 Gordon, Mr. R. G.
 Graham, Mr. L.
 Hezlett, Mr. J.
 Hira Singh Brar, Sardar Bahadur Captain.
 Hudson, Mr. W. F.
 Innes, The Honourable Sir Charles.

Jatar, Mr. K. S.
 Jeelani, Haji S. A. K.
 Lindsay, Sir Darcy.
 Lloyd, Mr. A. H.
 Macphail, Rev. Dr. E. M.
 Mitra, The Honourable Sir Bhupendra Nath.
 Muddiman, The Honourable Sir Alexander.
 Muhammad Ismail, Khan Bahadur Saiyid.
 Naidu, Rao Bahadur M. C.
 Neave, Mr. E. R.
 Owens, Lieut.-Col. F. C.
 Rahman, Khan Bahadur A.
 Raj Narain, Rai Bahadur.
 Reddi, Mr. K. Venkataramana.
 Roffey, Mr. E. S.
 Sim, Mr. G. G.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Vernon, Mr. H. A. B.
 Vijayaraghavacharyar, Sir T.
 Wajihuddin, Haji.
 Willson, Mr. W. S. J.

The motion was adopted.

Mr. President: The further question is:

"That a reduced supplementary sum not exceeding Rs. 31,00,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of 'Working Expenses—Administration'."

The motion was adopted

The Assembly then adjourned for Lunch till Three of the Clock

The Assembly re-assembled after Lunch at Three of the Clock, Mr President in the Chair.

Mr. G. G. Sim: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 4,40,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of 'Companies' and Indian States' share of surplus profits and net earnings'."

Last September the House passed one supplementary grant which I asked for, to meet the payment of surplus profits to Companies or Indian States in cases where the profits are worked out on the results of the previous year and where the last year's results had been more favourable than anticipated in the Budget. The additional grant I am asking for is in connection with those railways, the surplus profits of which are worked out every six months or separately each month, and the receipts of which have for the last six months been more favourable than were anticipated in the budget estimate.

I move, Sir.

The motion was adopted.

Mr. G. G. Sim: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 25,50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1926, in respect of 'Strategic Lines, Capital'."

As explained in the note placed before the Standing Finance Committee, this motion, with the exception of a small sum of Rs. 5,00,000 excess expenditure on the Khyber Railway, is entirely a formal one. In the last Budget we tried for the first time to separate the strategic and the non-strategic expenditure of the North Western Railway, and certain items were left in the commercial portion which properly speaking should have come into the strategic portion.

I move, Sir.

The motion was adopted.

THE INDIAN TRADE UNIONS BILL—*contd.*

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to move that the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, as amended, be passed.

Sir, I congratulate the House on the termination of its labours in connection with this Bill. I notice that Mr Graham has tabled certain further amendments but they are formal and non-contentious in character.

As the House is aware, the Bill owes its origin to a Resolution adopted by it in March 1921 with reference to a motion by my friend Mr. Joshi, who can therefore justly claim to be the real author of this Bill. In introducing this Bill in this House in January 1925, I explained why it had taken Government four years to prepare a Bill and present it to this House. It has taken us another twelve months to pass the Bill. I trust that our labours will result in placing on the Statute-book of India her first Trade Union law. That law may not incorporate all the provisions of the Trade Union legislation now in force in Great Britain which has reached its present stage of development as a result of long experience and of political controversies. But, Sir, I have little doubt that the Bill which I am asking this House to pass to-day will, if advantage is taken of its provisions in the proper spirit, tend to foster the growth of Trade Unions in India on sound lines, which by promoting co-operation and education among the workmen will help to uplift their lot.

I take this opportunity of thanking my friends opposite for the consideration and assistance I have received from them in dealing with this measure.

Sir, I move.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-official): Sir, this Bill is on the point of passing, but before we leave the subject I would just like to make a few remarks. On the original presentation of the Bill certain attacks were made against employers and it was stated that there was a determination for "suppression". I trust that the attitude in the Select Committee and in the House of those like Sir Purshotamdas Thakurdas, Mr. Kasturbhai Lalbhai and myself, who are primarily looked upon as representatives of capital, will have done much to dispel that illusion.

Any amendments I have moved or opposed were solely for the purpose of making the best of the Bill itself, and that must be my direct negative on the part of the Chambers I represent to any opinions which have been expressed as to alleged hostility on the part of Chamber employers.

I do not know what *other* class of employers Messrs Sinha and Goswami had in mind, but I think a gratuitously offensive remark rather out of place in any case in any Select Committee's report.

It is true that the employers of labour connected with the Chambers of Commerce were, in the first instance, almost unanimous in considering that this legislation was somewhat in advance of its time. It seemed certainly premature, if not indeed undesirable, in the conditions of labour as we know them in India to-day. The conditions prevailing generally were considered not ripe for the establishment as yet of Trade Unions, and they really feared that there was some political menace to industrial tranquillity behind the trade union movement. Even now they are in considerable doubt as to whether the provisions of clause 16 are not too wide in this respect, but, Sir, having already addressed you on that clause, there is no occasion for me to repeat myself now. We would, however, really like to see the Trade Unions proceed upon purely trade union lines in the first instance, so that the workers may have the benefit of a real education in purely trade union purposes.

A good deal of surprise has been felt that the Select Committee did not pay more attention to some of the views which were put before it by commercial and industrial people. That opinion was before them in quantity. It had come from men well acquainted with labour conditions in India and directly affected by them, men well experienced in the working of Trade Unions in England, men who might be counted amongst the best employers in India, who have always been in the forefront of improvement and in leading improvement amongst their workers. Any one who has had experience of the working of the organisations of companies employing large forces of labour will agree that it is not to the interests of the employers themselves to neglect the interests of their workers. The wisest employers know this well and are those who do their best to bring about an improvement in the conditions. A healthy and contented labour force is the great desideratum amongst employers to-day.

How to maintain and insure the regular payment of wages is of course a Trade Union's first consideration, but naturally it is followed by the desire for better wages. I would like to remind leaders that higher wages do not necessarily mean better wages, and that a good way to bring about an improvement in the wages is to bring about a fall in the cost of living and at the same time give a fillip to the industries upon which both the employers and the employees depend.

To start the Trade Unions on right lines I would like to suggest to leaders that they adopt the motto of one of the oldest Unions in Great Britain, which is "Give to capital its just rights and to labour its due reward." Let the leaders in the first instance go slowly with a view to improving the conditions gradually and not attempt to bring about a hypothetical millenium at a single jump.

Leaders of sagacity, honesty and courage must be found, and I may remind them that it is useless to ask for the power of collective bargaining unless those leaders are able to secure that it will be carried out. Trade Unions cannot exist apart from trade and collective bargaining. I hope

[Mr. W. S. J. Willson.]

that the Bill will be found to provide an organisation which will render collective bargaining on both sides possible and effective.

I regret the absence or omission of any provision for trustees to be responsible for the investment fund of a Trade Union. My Chambers recommended this and are rather surprised that the Select Committee did not make provision under this head. I may remind you that it is just as necessary to prevent the workers from being exploited as it is to protect them from harsh employers.

Many of my Chambers think that picketting should have been prohibited in the Bill. I would remind you that, when picketting is resorted to, intimidation does take place. It is however very difficult to prove, and even when violence is resorted to, evidence is seldom forthcoming.

The Bill before the House gives considerable width in its scope but I realise that workmen will be protected to a considerably greater extent than they are at present and to that extent I am convinced it will serve a most useful purpose.

I can assure the House that my Chambers will, as with the Reforms themselves, do their best to work this Bill with a full acceptance, and endeavour to make the best of it. It is of itself a great achievement for Mr. Joshi and shows to what extent it is possible to improve the conditions under the existing Government Act. At no previous period in the history of India, so far as I am aware, have labour and social conditions received the attention that they have since the introduction of the Reforms Act.

Lala Lajpat Rai (Jullundur Division: Non-Muhammadan): Sir, it is not my intention to oppose this Bill at this stage, but I want to make it clear that, in my considered judgment, the Bill is not at all satisfactory. I have made a careful study of the provisions of this Bill, the history of the English legislation on the subject, as also of the speeches made by the Honourable Member in charge on the occasion of introducing the Bill and of referring it to the Select Committee, and I consider that the reasons given for departing from the provisions of the English law in this case have no weight, and that it would have been much better if, in the interests of the employer and of labour, and also in the interests of society at large, this Bill had been drafted more on the lines of the English Statute of 1871 than otherwise. My friend the Honourable Member in charge has congratulated Mr. Joshi for being the real father of this Bill by reason of his Resolution passed in March 1921. I am very doubtful if Mr. Joshi will have any reason to be proud of his offspring. There are certain very important things in this Bill, which to my mind are likely to make confusion worse confounded. As I said before, I have no intention of opposing it at the present stage; the stage for that was when the Bill was referred to the Select Committee; but I want to make it clear that certain omissions in the Bill are so momentous, so important, that they are likely to create a great deal of unrest, lead to a great deal of litigation and a great deal of struggle which it would have been better to avoid in the interests both of labour and of capital in this country.

Sir, the reasons that have been given for not following the lines of the English Statute may be briefly summed up thus: that this is a new movement; it is in its infancy and the condition of education among the labouring classes do not justify the following of the provisions of the English

Statute, and also that the newness of the movement and its infancy justified Government's action in introducing this halting measure. I consider, Sir, that much has often been made of the newness of conditions in India. I wonder if the Government or the champions of Government ever consider that they are responsible directly for this newness of conditions. There are certain social conditions that have been introduced into this country by the Government themselves. Why should the Government then hesitate or halt in following the logical consequence of those new introductions or new institutions? Industrialism in its present form is no doubt an entirely new introduction in this country, and industrialism necessarily leads to trade unionism. There can be no guarantee for the interests of labour and of the workers in this industrial movement without a net-work of Trade Unions to protect and guard their interests. It may be all very well to sermonise on the duties of employers, on their benevolent motives, on their self-interest to keep their employees contented and satisfied. We have heard these sermons from time immemorial. All Governments and employers believe, and may be sincerely, that they do anything for the good of the people; and whenever people make or advance any claim for their better and more effective representation in the Government or for political rights, involving any interference with vested interests, they are in the wrong and the Government and the capitalist are always right. The claim is that the Government and the employers know the interests of the workers better than they themselves do. We know what value to attach to this argument; and my complaint is that the Government whenever they introduce legislation of this kind always harp on not blindly following the English law. Whenever there is a question of the expansion of the liberties of the subject they decline to follow the English practice, but when the Government want to restrict the liberties of the subject they justify their action on the ground that they are only bringing the law here into line with the English law. It is a question of pick and choose whatever suits them. I maintain that is not fair. Even in the political sphere as in the industrial sphere, it is that argument that always blocks progress and stands in the way of our introducing institutions which are the logical consequence of the social conditions which have been introduced into this country by the British Government themselves. Sir, I consider that the arguments that have been advanced by the Honourable Member for not going further than he has gone in this legislation, and for not giving the same rights and immunities to unregistered Trade Unions in this law as have been given in the English law are not cogent. I will take them one by one. But before I take them one by one I just want to make a reference to the English legislation of 1871.

Sir, when that Act was passed which continues still to be the principal Act laying down the law relating to Trade Unions in Great Britain and which has not been repealed or substantially altered in its provisions, it at once proceeded not only to make provision for the registration of Trade Unions but at the same time to declare the law as to the rights and immunities of all Trade Unions whether they were registered or not registered. The English legislation of 1871 relating to Trade Unions took two forms. One was on the civil side, providing for registration of Trade Unions and declaring the law relating to them and the other was on the criminal side making a law, called the Criminal Amendment Law. On the civil side certain amendments were subsequently made but nothing substantial was altered. On the criminal side they had to make certain important changes in the light of later experience with which we have nothing to do.

[Lala Lajpat Rai.]

for the present. Now, it is said that the condition of education among the working classes in this country prevents the Government from going as far as the English Statute of 1871 did. Well, Sir, in my judgment there is absolutely nothing in that argument. Was the English worker better educated in 1871 than the Indian worker is to-day? We must remember that the first compulsory Education Act was passed in the British Parliament in 1870. Was the trade union movement in England in a very advanced stage in 1871? I submit it was not, and the condition of education among the working classes was in no way better than the condition among the workers to-day in India is. Moreover, there is a confusion always made between literacy and education. I grant that literacy is a great asset in modern times, but it is not education, and I am not prepared to accept that the workers in India are less educated than their fellow-workers anywhere else simply because of their illiteracy. They are no doubt at a certain disadvantage on account of their illiteracy. I attach great importance to literacy; but what education really means are the changes that education brings about in one's character and one's habits and manners. I submit, judged by that test, the Indian worker is no less educated than the English worker. If education is to be tested by one's sobriety, by one's moral character and by other such qualities, I contend that the Indian worker is much more educated than his fellow-worker in England or anywhere else in Europe or America. Then, Sir, I want to ask what has education to do with the rights and immunities that are covered by clauses 17, 18 and 19 of this Bill? Those rights and immunities are inherent to any combination of workers made for the protection of their interests. Those rights and immunities have practically nothing to do with education. I could understand the plea of lack of education in regard to those provisions of the Bill which lay down the procedure of registration and which require the control of funds and the control of the proceedings of Trade Unions. In that connection there might be something to be said for the necessity of literacy; but so far as the laying down of the law with regard to the rights of the workers as such, and the immunities which are inherent in the very fact of their combination, is concerned, they have nothing to do with the condition of education in those classes. They are, I repeat, inherent in the institution of trade unionism and that was exactly the reason why the British Legislature in 1871 did not confine that Act simply to the declaration of the rights of registered Trade Unions but extended it to unregistered Trade Unions also. What is a Trade Union? I do not want to define it very exactly. Speaking roughly it is a combination of workers to protect themselves against the combination of employers, or even if there is no combination of employers, for the purpose of furthering their interests and protecting their rights. Now, how can their rights be protected and their interests furthered by that combination? By occasional strikes, by collective bargaining, as we have been told just now by my Honourable friend Mr. Willson, and by other similar things. But if Trade Unions are to be deprived of those rights, whether they are registered or unregistered, I wonder what is left of trade unionism. So I contend that education has nothing to do with the rights and immunities that are covered by clauses 17, 18 and 19 of the present Bill, and that the English Legislature was perfectly right in granting these rights and immunities to their workers by the legislation of 1871. Even to-day at the present moment, after that law has been in force in England

for over fifty years, there are three kinds of Trade Unions in England—Trade Unions registered under the law relating to Trade Unions, Trade Unions registered under the Friendly Societies Act and the like, and unregistered Trade Unions. Now it is said that this movement is in its infancy in this country. Very well, if that is true, is it expected that this movement will grow so big from its infancy that there shall be no unregistered Trade Unions at all, or any other combinations of unregistered workers in this country to require the protection of the law for the purpose of collective bargaining and for the purpose of strikes, etc.? The law on these points at the present moment in India is in a very fluid condition. The Honourable Member in charge of the Bill, while introducing the Bill, said that under the law as it stood at present, people going on strike or acting in combination in restraint of trade could be prosecuted under the conspiracy sections of the Indian Penal Code and could be proceeded against in civil courts for damages for breach of contract and otherwise. Well, Sir, so far as I am aware,—I say so subject to correction—Trade Unions now have been existing in this country for a number of years; we have been hearing of strikes all round and we have never heard of any prosecution having been started by Government under the conspiracy sections of the Indian Penal Code against anybody who took part in a strike. There has been I am told one case of damages in the Madras Presidency (*An Honourable Member*. "It was withdrawn.") but it was not proceeded with. Anyhow I do not know the facts; but I have not heard of any other cases having been instituted either in Bombay or at Nagpur, or at Ahmedabad, where there have been many strikes, either for damages on the ground of breach of contract or on the ground of torts, against any strikers or against any combination of workers. That is the present condition of things which this law proposes to change. This law restricts practically the enjoyment of these rights and privileges to registered Trade Unions only. The question arises as to what will be the status of unregistered Trade Unions after the passing of this Bill. Supposing a large number of workers in the Bombay mills strike. Some will belong to the registered Trade Unions; others will not belong to any registered Trade Unions; some may be members of unregistered Trade Unions or they may be members of no Unions at all. Suppose a thousand or five thousand or ten thousand people strike. Will Government give protection only to those who are members of registered Trade Unions and prosecute those who are not members of a registered Trade Union? It will be an absolutely anomalous position; and if the Government do not mean to do that, then where was the use and where was the necessity of making this distinction between registered and unregistered Trade Unions? It will only help mischievous people to insist upon prosecutions being started or upon proceedings being taken against some of the workers. Now, I may say at once that I am not fond of strikes at all. In fact I deprecate hasty strikes altogether; and I am quite conscious that sometimes strikes are fomented by people who have no business to advise any strikes. If this was a law to prevent such strikes and to prevent Trade Unions being exploited in that way, it would be quite welcome. I have absolutely nothing to say against that part of the law which relates to the control of funds, the keeping and auditing of accounts, etc. It is a good law. But when you proceed to take away the protection of the law in their inherent rights and immunities from certain classes of workers, simply because they have not registered themselves, then I think you are not proceeding on sound and satisfactory lines. There you are drawing a distinction which is not at all advisable either

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in the interests of progress in general or in the interests of the workers themselves. Here again, Sir, I want to make it clear from my place in this Assembly that I want all Trade Unions to register themselves under this Bill when it becomes law. I do not want any of them to remain unregistered. But whatever we may say or we may do in that respect, we know that all Trade Unions are not going to register at once, and that the development or the fostering of the trade union movement will not be helped very much by this restriction of the rights and immunities of workers by clauses 17, 18 and 19 of this Bill. In fact, as I said before, it is bound to create a situation which would be deplorable from every point of view.

Other grounds also have been advanced for proceeding very cautiously with the law of Trade Unions, and one of the grounds is that the movement is entirely new to India. I deny that proposition *in toto*. The movement may be new in its present form. But the essence of the movement and the principles of the movement of trade unionism are as ancient and old in India as the snow-clad mountains of the Himalayas. What is the principle of trade unionism? What is at the back of it? What is the foundation of it? The foundation of it is the right of collective bargaining, and the right of certain people to lay down their terms under which they will serve the public or do certain work, and also to impose penalties for the breach or the violations of any decisions given by those combinations or of any rules laid down by them. Now, what are the occupational castes in India? They are practically closed Trade Unions! And how have the Trade Unions developed? All authorities on trade unionism are agreed that the ancient guilds of India and the guilds of medieval Europe were the ancestors of Trade Unions as we see them to-day. We have still this class of institutions in India, though not exactly in the same form in which they existed in the olden times. We have many occupational castes which are working practically in the same way as Trade Unions are working in other countries. What are these strikes? Strike is only another name for *hartal*. Who has not heard of the *hartal* of sweepers or of water carriers or of butchers or of similar castes? Whenever any of these classes of workers want the redress of their grievances, which otherwise they cannot get from society or from certain classes of society, they go out on *hartal*. Do you know that the decisions of the *panchayats* of these occupational castes are as binding upon all their members as the decisions of any Trade Union could possibly be? Whatever may be the statute law and whatever threats of prosecution you may hold out, no member of an occupational caste has the courage or can possibly have the courage to violate the decisions of their *panchayats* or of doing anything in disregard of the orders of that *panchayat*; they obey them literally; they pay the fines and they abstain from working for those families or for those persons who have been interdicted by the vote of the *panchayat* as not to be served. We see it every day and therefore the real principles of trade unionism and the essence of them are not new to India. The movement is not in its infancy here. The movement in its present "civilised" form—and I would like to put the word civilised in inverted commas—with its account books and printed rules and byelaws may be new; but the movement itself is certainly not new, and even to-day the Government do not in any way prosecute those caste people who go on *hartal* in the

way in which I have stated before you, and who impose their own rules and lay down their own conditions of service. They restrain and prevent people from going and serving anybody against those rules and except under conditions which they have laid down, and the Government never think of prosecuting them. What are these clauses 17, 18 and 19? They are practically a reproduction of that custom, of those practices, that have been recognised all over the world as necessary for the success of trade unionism. They existed in this country in one form or another from very old times. I think therefore that the argument that the movement is new and that we ought to proceed with very great caution does not hold water at all. In fact Government should have taken advantage of this prevailing custom and of the prevailing practices in this country in this respect and taking their courage in their hands gone further to make the law almost on the same lines on which the English Statute was framed in 1871. That would have made the situation clear; that would have made the law clear. We have been told in another connection that wherever there are differences about the meaning of the law or wherever there are difficulties of interpretation, it is the business of this House to make it clear. We were told so in the arguments during the debate on the Contempt of Courts Bill. Well, in this case the law has been made more uncertain and liable to be misinterpreted than it was before. It would have been much better if the law had been made clear that so far as the protection of the rights of a combination of workers now covered by clauses 17, 18 and 19 was concerned, that protection was extended to all combinations of workers regardless of their being registered. I submit this Bill is very defective in that respect. But for this I would have been in a position to congratulate the Honourable Member in charge for having successfully piloted this Bill through. But I am sorry I cannot consider this legislation to be entirely satisfactory nor as one that has been framed on sound lines to prevent further agitation, and litigation. I am afraid we shall soon be compelled to introduce an amending Bill. All that trouble could have been saved if the Honourable Member in charge had seen fit to extend the rights and immunities mentioned in clauses 17, 18 and 19 to unregistered Trade Unions also. I think a colossal mistake has been committed, and it will only lead to nothing but trouble and litigation. The very fact that these clauses relate only to registered Trade Unions and not to unregistered Trade Unions will be used as an argument that the law does not justify the exercise of those rights and those immunities by any unregistered Trade Unions or by members of any unregistered Trade Unions. We are afraid that in relation to future strikes there may be a harvest of criminal prosecutions, suits for damages, suits for injunctions, etc., brought against the workers or strikers and there will be litigation all round. The funds of the Trade Unions will be wasted in defending themselves in those suits. All this could have been avoided if the Government had taken courage and made the law clearly applicable to all Trade Unions. That was the only right course for them if they really meant to foster Trade Unions in this country. I am afraid, Sir, these clauses are liable to be misconstrued, and the argument will certainly be that the Legislature having deliberately chosen to confine the rights and privileges and immunities granted under these sections to registered Trade Unions only, it means that those rights and immunities cannot be exercised by members of unregistered Trade Unions. I submit that the English law on this subject is very sound, and it ought to have been followed here. When you are introducing English institutions in this

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country, certainly no one wants to follow them blindly, but English institutions require English safeguards. You want to introduce English institutions in this country without English safeguards, which will lead to nothing but trouble. Either have the courage not to introduce any English institutions at all and not to take the analogies of English life, social, commercial or any other, but if you do introduce English institutions, you must have the English safeguards also. Unfortunately the practice is that whenever you want to make the law stringent, you come and say that you are just making the law in India as it is in England. But when it comes to the expansion of our liberties and rights, when it comes to a question of giving us the same privileges which are the necessary logical consequences of English institutions then you halt and you are frightened by vested interests. I do not want to make any insinuation against the employers because, as I said the other day, these employers are human beings and they naturally look to their own interests. These combinations of workers, these strikes, these collective bargainings do interfere in the making of their profits and cause them other troubles too, and therefore naturally they are not interested in seeing the rapid development of Trade Unions in this country. Therefore, I am bound to say that, although I am not going to oppose this Bill at its present stage, I am deliberately of opinion that the law as laid down by it is very defective and unsatisfactory and that we shall have to come to this House very soon to have the law put in a proper form and to have the rights and privileges granted by clauses 17, 18 and 19 extended to the labouring classes regardless of their being registered or unregistered.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam Non-Muhammadian Rural). Sir, I think every well-wisher of the country would welcome this piece of labour legislation as the first instalment. I do not think that anybody has suggested that this would be the final legislation with reference to the solution of labour problems. Before this Government have brought about an amelioration in the condition of the people by the Workmen's Compensation Act to a certain extent and by means of factory legislation. I would not go the same length to which my friend Lala Lajpat Rai has gone in stating that the present piece of legislation is altogether unsatisfactory. It is true that this legislation makes no proper provision to put an end to strikes. I do not know why our labour representatives speak of strikes in an apologetic tone. Strikes are the legitimate weapons of Trade Unions, and nobody need be ashamed of strikes. A strike is the only way of securing the advantage of collective bargaining. I find that my friend Lala Lajpat Rai seems to be fond of English labour law. I do not agree with him in holding that the labour legislation in England has given what it was expected to do for labour. Under peculiar circumstances in England it has served some purpose, because there is provision there for old age pensions and for poor relief as well as insurance for health and unemployment. In the absence of these three conditions, the law as it is in England would serve no useful purpose here. The true test of trade unionism can be seen only when there is an actual strike, and it can also be gauged by the actual attitude that would be adopted by employers represented by my friend Mr. Willson, the Government and the people. Sir, I have some knowledge of strikes in India as well as outside, and I know the attitude that is adopted by Government and by employers when strikes take place. In these matters we cannot say that on one side

there will be angels and on the other side something contrary. There are and there will be defects. Naturally, whenever the workmen combine and make a demand for higher wages or ask for shortening the hours of work or ask for any other privileges, and when their demands are not met by the employers, the workmen go on strike, and in this process it is the workmen themselves who suffer eventually. There would be hunger, there would be privation, especially in India, and the equanimity which we find in the Legislative Assembly may not be found when there is a strike on. There would be difficulties of various kinds for the workmen, and it is usual then for the Government to step in and assist the employers. It is very rare indeed that the employers and workmen are kept at a distance by the Government, as happened recently in Bombay, but on almost every occasion I notice that Government side with the employers. In those cases every step is taken to break the strike. Not only do the employers take every precaution to put an end to the strike, but the Government themselves employ police force to put an end to strikes. We know how strikes were put down not many years ago when workmen asked for enhanced wages under the British flag in a neighbouring Colony. Battleships from a neighbouring country were sent for and army Divisions were also invited to put down these strikes. They also wanted to put down the strike by shooting down some people and by sending some ladies to jail with hard labour for a number of months. This is how strikes were put an end to in some places. Now, I ask, do the Government really intend to help the workmen and ameliorate their condition? If they intend to do so, then the only way is not to allow the workmen to strike and suffer the consequences for a long time, and the Government ought to have adopted the legislation which is in force in Australia and America to a certain extent in order to put an end to those disputes by compulsory arbitration. There are provisions in the legislation adopted in Australia and America which have been adopted partially in England, and I should like to see the same provisions enacted here, unless of course my friend Mr. Chaman Lal thinks that we may not have a just umpire or a proper Arbitration Board. But such difficulties have been solved even in Australia in order to bring about a solution of these labour problems, because you cannot allow a fight to go on between the employer and the employees. They are not the only parties concerned; there are the third parties also. I mean the public, because there are several cases of public utility services. With reference to the public utility services, my friend Lala Lajpat Rai asked, "What would be the fate of a municipality, big or small, when all the sweepers struck work?"

Lala Lajpat Rai: I never said anything about municipalities.

Mr. B. Venkatapatiraju: You referred to sweepers and their strike is a menace to municipal sanitation. The difficulty is, what are we to do? Under the existing law, if such a man commits an offence, he will be punished; but I say, would you tolerate it? I say that it is a disgrace that a "labour" dispute should be made an offence. I ask, "How best can you meet the situation?" Supposing the sweepers in a municipality refused to sweep the streets, what would become of the sanitation of that place? What are the provisions? In such cases it is absolutely necessary that the State should intervene. How best can you intervene so as not to help one side or the other? Supposing that on any day which was chosen by my friend, Mr. Joshi or by my friend Mr. Chaman Lal, all people belonging to Railway Unions stopped the transport of anything or wanted to

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stop it, or the telegraph employees stopped sending messages. What are we to do? Should we allow them to do it? We have experience of such trouble in other countries. What are the methods adopted? Now by passing this legislation you have done very well in giving them an opportunity to stand on their own legs, but I want you to go further and to try and adopt the best means of bringing about cordial relations between the employers and employees. In this case unfortunately Government in India are the largest employers because they employ more than a million men under them, and they are therefore equally interested with the employers in seeing that there is no collective bargaining on the part of these people. Only the other day when the telegraphists themselves threatened to strike, it was perhaps the tact and firmness used by the Honourable Mr. Roy that put an end to it, but there will be occasions, and we cannot think that there will be no strike so long as you permit them to have a Trade Union which is lawful under the law; and if they can unite in asking for higher wages, and if you cannot provide for that, they will go on strike. What is it then you are going to do? Do you mean to say that you want to protect yourselves with machine guns in order to put an end to these Unions or this collective bargaining? What is the other method you can adopt? You rouse their spirits by this Bill; but what are the provisions you have made in order to deal with the strikes? You must do something in that matter; and therefore though this Bill was taken as a first instalment of labour legislation, I would earnestly appeal not only to the Government Benches but also to the labour representatives that they must bring about and evolve some other means of adopting conciliatory measures for the settlement of their disputes. I do not think the employers would always be losers; they must be losers for a time, but the persons who actually suffer, and I know it, are the workmen themselves because though they may gain higher wages, several families would nevertheless be ruined; and I ask, how many people could go on starving thus in order to raise wages and go through all this suffering? We have to deal with this question not merely by legislation but by extending our fellow-feeling, our sympathy, and we must meet it with our whole-hearted response to the legitimate demands of the people. That is exactly the reason why only the other day when His Majesty opened Parliament, he stated that in order to put down this industrial strife there must be a common fellow-feeling and comradeship between employers and employed. If you regard the matter as a matter of expediency, as a matter of bargaining, you will never succeed, and therefore, Sir, I think that an opportunity should be taken at an early stage in order to bring about additional laws which will put an end to unnecessary strikes. With these words, Sir, I commend the Bill to the House for unanimous acceptance.

Mr. Chaman Lal (West Punjab: Non-Muhammadan): Sir, I do not wish to be at all niggardly in my praise of all those Members, including the Honourable Member in charge, who have been responsible for knocking this Bill into shape. I know it has been a very strenuous period with us. We for our part have done our level best to make the measure commend itself to all those progressive-minded people who have the true interests of labour at heart. If we have not succeeded in one or two particulars, and to my mind very important particulars, that is not to be put down, Sir, to any desire on the part of any Member sitting on this side of the House not to try to do justice to the workers. It can only be put

down to a spirit usually displayed by the Government, a spirit of conservatism; and I do hope that the time will come when we shall be in a position to compel the Government so to amend the Act as to bring it into line with all the labour ideals that inspire us on the subject.

Now, Sir, the question of the paternity of this Bill has been raised. I want to congratulate my friend and colleague, Mr. Joshi, for all the attempts he has made to bring this subject to the notice of Government. He has, at last, succeeded, but he will certainly not oppose me when I say that there is a drop of communist blood also in this measure, and that that drop of blood has been transfused into this measure by no less a person than Mr. Saklatwala. And I take the leave of this House to pay a tribute to that man for all he has done to bring this matter to the notice of the Government, of the public and of the Press. I think it was in 1920 that Mr. Saklatwala succeeded in getting up a deputation which waited on and saw Mr. Montagu, the then Secretary of State for India, and it was in 1921, I believe in the month of April, that Mr. Montagu gave a definite promise that legislation on these lines would be introduced in the Legislative Assembly. Thereafter it became a matter of great public concern. In 1921, as the Honourable Member has mentioned, Mr. Joshi presented his Resolution in the first Assembly. But the Government, in spite of their promises, took nearly five years to present this Bill before this House. I do not blame them; perhaps there were reactionary forces working inside the Government which prevented the Government from carrying out the pledges that were then given, but at last those pledges have been fulfilled. They have been fulfilled after strenuous efforts by us all in the matter of getting this measure brought before the notice of the public.

Now, Sir, having brought this measure forward, what do we find? Let us look to the balance sheet. You have on your credit side, firstly, immunity given to registered Trade Unions from criminal liability under clause 120B and you have also immunity given in the matter of civil liability to Trade Unions which are registered, and, Sir, you have clause 16 inserted in the Bill which deals with the creation by Trades Unions of funds for political purposes. Now, I have not the slightest doubt that if there had been any other Member in charge of this Bill except the Honourable Member over there, it would have been a very difficult thing for us to get clause 16 inserted in the Bill; and let me pay my tribute to him for his attempt in taking his courage in both hands and getting this clause inserted in this Bill. (Hear, hear.) Now, Sir, let us look to the debit side of this balance sheet. You have, first of all, the fact that the provisions regarding immunity which apply in this Bill apply only to registered Unions, and secondly that the civil immunity that is given is only partial. I agree with Lala Lajpat Rai when he said that it was up to the Government and up to the representatives of the people here to bring this measure into line with the English law on the subject, not only into line with the 1871 Act but also the Trade Disputes Act of 1906. It was the latter Act which gave complete immunity from tortious liability to Trade Unions, and there is no reason why the Government in India should not have adopted a similar attitude to that which was adopted by Parliament in 1906, namely, the grant of complete immunity from tortious liability to all Unions. Now the third factor on the debit side is the clause relating to political funds. We put up a strenuous fight with regard to the question of contracting in or contracting out. Eventually there was a compromise on this, namely, that we did not press the matter to a division; we allowed the matter to stand where it was accepting the provisions which

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state that a political fund can be created for a Trade Union and that any Member who chooses may pay. But the payment is not compulsory for every member of a Trade Union. This is a serious matter but we accepted a compromise on the assumption that Government would have dropped the Bill altogether if radical changes had been introduced into it.

Now, Sir, taking all these factors into consideration, may I ask Honourable Members here whether it is not a matter for congratulation that a Bill of this kind has been presented to the House. My friend Lala Lajpat Rai says it is a doubtful matter. I beg leave to differ from him. Immunity has been given under clause 120B and the question has been raised whether an unregistered Trade Union would be liable criminally or not. I submit, Sir, that an unregistered Trade Union under the existing law would not be liable for merely deciding to go on strike. As I read clause 120B it relates to conspiracies to commit an offence and conspiracies other than those to commit an offence. Let me read clause 120B :

"(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, transportation or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such an offence

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both."

I want to ask the House to remember that the first part relates only to a conspiracy to commit an offence.

Mr. L. Graham (Secretary, Legislative Department): Also an unlawful act.

Mr. Chaman Lal: If Honourable Members will let me proceed, I will come to illegal acts. Is breach of contract a crime? It is not. I submit it was under the Workmen's Breach of Contract Act. The Workmen's Breach of Contract Act expires on the 1st of April. It is not on the Statute-book any more from the 1st of April. I submit it is no longer an offence for any member.

Mr. L. Graham: It would shorten this discussion if I explain that illegal acts and offences are not necessarily the same thing. An illegal act includes an act for which only civil damages can be awarded.

Mr. Chaman Lal: It simply enforces the point I was making. There is no crime for which a man can be punished merely because he, by a resolve on the part of the Union, goes on strike. That is not an offence. Is that an offence cognisable under the Penal Code? It is not. It was an offence so long as the Workmen's Breach of Contract Act was in force. It is no longer an offence. It cannot be brought in under clause 120B.

Syed Majid Baksh (Burdwan and Presidency Divisions: Muhammadan Rural): If the unregistered Trade Union is declared to be an unlawful body under the Criminal Law Amendment Act of 1908?

Mr. Chaman Lal: Suppose a registered Trade Union is declared an unlawful body. What then? We are not considering exceptional action against a Trade Union.

Syed Majid Baksh: I am speaking of unregistered Trade Unions.

Mr. Chaman Lal: If the Honourable Member will only read the law, he will realise the principles underlying that legislation. (*Syed Majid Baksh:* "I have read it very carefully.") If the Honourable Member will not interrupt me and will utilise his right of speech, he will have plenty of opportunities of saying what he means. For myself, I fail to understand what he means. What I mean is this. So long as a Trade Union decides to go in for a trade dispute and so long as the workers in that Trade Union are parties to that decision, they do not commit any offence and they do not thereby come under clause 120B. Therefore my contention is this, that as far as the unregistered Trade Union is concerned, the question merely remains a question of civil liability, not criminal liability unless something more than I have suggested is proved. Nevertheless we emphatically protest against the invidious distinction drawn between registered and unregistered Trades Unions. In India we have had one instance of civil liability being foisted upon a Trade Union merely because of a strike. That was the Madras case, the famous Wadia case. We have not had any judgment in that case. That case, I believe, was withdrawn. We do not know what the law is. But this Bill makes the law perfectly clear. As far as registered Trades Unions are concerned, no one can foist tortious liability upon any Trade Union, provided the act was not done with the union's knowledge or express authority. Now, the question arises as to why that liability should not be extended to unregistered Trade Unions. I do fervently hope that the day may come soon when we shall be in a position, and Government will be in a position, to extend the provisions of this law also to unregistered Trade Unions.

Now, I do not wish to go into the question that was raised by Mr. Willson. He was talking about the question of picketting and he regretted the fact that there was no provision in this Bill to make picketting illegal. We did not raise this question in the Select Committee. I was a member of the Select Committee. We did not deliberately raise it, because, as we understand it, picketting is not illegal under the law at the present moment. It becomes illegal when it is converted into intimidation. When it reaches that stage, then it comes within the clutches of the law. Therefore there was no necessity for introducing any provisions in this Bill, as there was a necessity in Great Britain for introducing provisions making picketting perfectly legal, because, Honourable Members will remember that, I think, till the sixties or seventies picketting was declared to be definitely illegal under the English law. After that date the provision of the law made picketting perfectly legal. Here the position is entirely different. Picketting, as we understand it, is perfectly legal under our law. Therefore we did not see the necessity of inserting any clauses. Why should not picketting be permissible? The Honourable Mr. Willson says that it should not be permissible. I ask him to advance a reason in favour of his argument. If you permit a Union to go on strike, they must utilise the only weapon that they have against employers. Why should they not try and peacefully persuade others to do likewise and join in the strike. What argument is there against a suggestion of that kind, which is perfectly consonant with the right of an individual to persuade peacefully another individual to do what he or his organisation want to do. Government themselves are trying their best in that direction every day. There is evidence of peaceful persuasion even in the lobbies of this House. Why should not workers also

[Mr. Chaman Lal.]

do the same thing? I am certain the Honourable Member who takes a very keen interest in divisions will also agree with my view. If this method can be tried in this House, why should it not be tried in a Trade Union?

Now, the question arises as to the employers of labour being very anxious about the passing of this Bill. I do not believe it. There are no doubt Honourable Members of this House who, when this Bill was on the anvil, tried to make the best of it. Others tried to raise every objection that they could think of to hinder the progress of this Bill on the lines on which we would have liked it to progress. This fact is known to all. I will not for a moment concede the right to any Member of this House to tell me that the employers as a whole in this country are in favour of the provisions of this Bill. Only the other day when the Bill was coming up before us in this House, there was a report of a meeting of employers definitely condemning this Bill, telling us that it was a dangerous thing to do and that it contained dangerous provisions of law, and that Honourable Members should be very careful. They are the people whose representatives sit in this House. Is that an indication that employers of labour throughout India are very anxious to ameliorate the conditions of the workers and that they are in favour of the provisions of this Bill? I submit, Sir, that this is not so. Even if they were, I would give those employers who are willing to see that proper legislation is introduced in order to protect the rights of Trades Unions in this country full credit. I have yet to see a single employer who is of that mind. My own ideas about the relationship of employers and workers are well known to Honourable Members of this House. I do not think that any employer honestly feels, truly feels, for the woes and the sufferings and the conditions of life of his workers. The Honourable Mr. Willson says that there are many employers who regard the condition of their workers as a matter of primary concern to them. I have yet to find any employer who knows anything at all about the condition of his workers. I have not come across an employer who appreciates the difficulties of his workers. He does know of the wages that are paid to his workers. But does he know anything at all about the state of life led by these workers in their dirty, filthy, horrible chawls? Even if he does, what does he care? All that he cares for is to get more profits out of the blood and sweat of the workers. That is his concern. It is not his concern to try to ameliorate in the least the condition of the workers. All that he is concerned with is the dividend sheet as it is presented to him at the end of the year, the balance sheet, and with nothing else. Human lives are of no interest to him. Profits are the primary interest of the employer, and I will not be hoodwinked into believing that it is otherwise. It is not otherwise in any other part of the world, and it is not otherwise in this country. The employers' main concern has been to so confine the provisions of this Bill so as to make it acceptable to the employers as well as to the Government. We have tried our level best to enlarge the scope of the Bill so as to make it acceptable to the workers. If we have not succeeded, we have at least the consolation of knowing that the employers have also not succeeded.

Lala Lajpat Rai: A poor consolation!

Mr. Chaman Lal: But, Sir, it may be, as Lala Lajpat Rai quite rightly says, a poor consolation. But I ask Honourable Members to remember that we have got something in this Bill which we did not possess before. Nobody will deny that. And I submit, Sir, that what we have got in this Bill is

really something that is worth having. It is certainly worth having. Here you have the great principle of civil immunity accepted. Is that not worth having? Is it not worth while to bring into line the provisions of this Bill with the civilized legislation in other parts of the country? We have attempted to do that and, if we have not succeeded, it is not our fault that we have not succeeded. Nobody can turn round and say that we, who speak on behalf of the workers in this country, have not tried to enlarge the scope of the Bill and make it more acceptable to the liberal-minded people of the country. We have tried our best and, if we have failed, we have at least this consolation that this labour legislation would probably not have been undertaken in this House but for the presence of liberal-minded members both of the Swaraj Party and of the Independent Party. We shall continue to be possessed of the hope that the presence of these liberal-minded people will yet lead to a better era of legislation for the poor, starving and suffering workers of my country.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, I rise to support the motion made by the Honourable Member for the Department of Industries and Labour. At the very outset with your permission I wish to thank the Honourable Member and other Members who gave me some credit for the part which I have played in the initiation of this legislation. But, Sir, let it be remembered that the part which I have played was a very easy part. The more difficult part of persuading the Government of India to undertake this legislation was played by the Honourable Member in charge of the Department, and I think we should be ready to give him full credit for it. It is also our duty to pay our tribute to my Honourable friend Mr. Clow who has taken great pains in giving a practical shape to this legislation and who, I am sure, is the conscience-keeper of the Government of India in the matter of labour legislation. (Laughter.)

Sir, although I feel that this legislation gives the Trade Unions in India something which they should have, it is my duty to make it quite clear that I do not consider this Bill to be quite satisfactory. When I moved my Resolution some five years ago in this House proposing to the Government of India to pass legislation on the lines of the English legislation, my object was, in the first place, to secure some measure by which Trade Unions in India would be registered. At that time it was our experience that some Registrars would not register the Trade Unions under other laws. In the first place, therefore, it was necessary that there should be a law under which every Trade Union could be registered. My second object was to secure immunities from the criminal and the civil law which puts certain burdens upon the Trade Unions and those who take part in trade disputes. In my speech which I made five years ago I referred to the case of Mr. Wadia and I feel, Sir, that the legislation which we are passing to-day does not give all that we wanted at that time. I made it quite clear on that occasion that what we wanted was legislation exactly on the lines of the English legislation.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Why don't you oppose it then?

Mr. N. M. Joshi: I do not oppose it because I am not one of those persons who will not take half a loaf because they can not get a full loaf. I therefore do not oppose it. But I feel it my duty to point out the defects of this legislation and to say that the legislation does not give me what I wanted by my Resolution which I moved five years ago.

[Mr. N. M. Joshi.]

Sir, on this occasion I do not wish to go into the particular clauses of this Bill and point out the defects, but I feel it my duty to protest against some of the implications of some of the clauses of this Bill and of some of the speeches made during the course of the discussion of this Bill. Sir, the first implication of some of the clauses and some of the speeches made during the course of this discussion was that the leaders of the trade union movement may take undue advantage of their position in the movement and do some things which may go against the interests of the workers in this country. Sir, I repudiate that implication. I do not think that those who have taken part in the trade union movement in this country deserve that suspicious attitude. There may be some people whose conduct you may not like, but is there any class of public workers, any class of public servants, among whom there may not be some members whose conduct may not be liked by all people? There may be some people amongst us. I may be one of them. (*Honourable Members*: "No, no. You are not one of them.") But that is no reason why you should suspect the whole class of people who take part in the trade union movement. Moreover, Sir, there is another implication of some of the clauses and the speeches of some of the Members in this House. That implication was that the working classes in this country do not know their interests and therefore the Members of this Assembly in a patronising manner should pass certain clauses to deprive them of their liberty. Sir, I am one of those people who believe that on account of their ignorance and illiteracy the working classes deserve protection. But, Sir, protection does not mean depriving a man of his liberty. If you want to protect the working classes there are hundreds of ways by which you could do it. But you cannot protect any class of people by depriving them of their liberty, by treating them as if they are children and as if you know their interests much better than they know them themselves.

Then, Sir, there are some clauses of this Bill which, in my judgment, are anti-social. Take the clause which compels the working classes not to spend their money whenever their brethren may be in difficulties. I am glad that in this House that clause was somewhat modified. But I again state that that clause was not satisfactorily modified. I would not like any limit to be put on the amount of money which a Trade Union should spend in helping other Trade Unions or other working people who may be in difficulties. I think, Sir, that clause 15 of this Bill is an anti-social legislation. I have never known any Government trying to compel people to be selfish by legislation as clause 15 of this Bill tries to do.

Then, as regards immunities, I feel that the immunities given by this Bill will not be of much practical value. You are restricting these immunities in the first place to the registered Trade Unions and to the members of the registered Trade Unions. Sir, I do not like this restriction as regards the immunities on the main ground that you are protecting people who are not in need of your protection as much as those people who are in need of your protection. If there are any people who need protection it is the unorganised workers and not the organised workers. The organised workers by their own strength can protect themselves. They can prevent prosecutions. It is the unorganised worker who wants protection and to whom you have denied protection. This Government always claims to be the protectors

of the weak and not of the strong, but in this Bill this Government have shown that they are protectors of the strong and not of the weak. This is a great injustice done by this Government not only to the working classes but to themselves. They have shown that whenever they can they will protect the strong but not the weak. That is the meaning of inserting the word "registered" in clauses 17 and 18. Moreover, Sir, the protection that is given to registered Trade Unions is not even complete. Our own country, as I have stated during the discussion, has laws by which a breach of contract of service is an offence. You do not give immunity from that offence even to the members of registered Trade Unions. Some people think that this is after all a concession and Government may give that concession to members of registered Trade Unions. I deny that it is a concession. Your criminal law is bad law. You made that bad law and then you exclude some from that bad law and say you are making certain concessions. Till you enacted the conspiracy sections in the Penal Code in 1913 you had no law of conspiracy. In 1913 you wanted some law to get hold of political conspirators. By enacting that law you also made provision for catching some innocent trade union people under this law. Sir, when this law was made I remember the Honourable Member in charge of the Bill having stated that they wanted the law of conspiracy in India to be brought into line with the English law. That statement was a mis-statement. The English law of criminal conspiracy was modified in 1906, by which people who are engaged in trade disputes were given immunity from the law of conspiracy, and when the Government of India enacted this conspiracy section in the Penal Code in 1913 they ought to have known that the English law has given immunity from the law of conspiracy to people who take part in trade disputes and they should have omitted those people from the law of conspiracy. But they at that time stated that they were bringing the law of conspiracy into line with the English law, which was a mis-statement. Unfortunately people in this country did not see this point that the Government of India were not bringing the Indian law into line with the English law, because in 1906 the law of conspiracy was altered in favour of the working class people.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban). I had the honour to oppose that when I was a Member of the Imperial Council

Mr. N. M. Joshi: I do not want to remind the Honourable Member of the part that he played at that time. I have read his speeches.

Mr. M. A. Jinnah: Read them again.

Mr. N. M. Joshi: I have read them very carefully. I do not want to say what part the Honourable Member played, but this is enough for my purpose that in 1913 the Government of India by claiming that they wanted to bring the law of conspiracy in India into line with the English law were not doing so. They knew at that time that in 1906 the English law of conspiracy was changed in favour of the working classes.

Now as regards immunity from civil liability. The clause which we have drafted and passed does not give full immunity as is given by the English section on the ground that the English section goes too far. Now, Sir, the English section may go too far, or may not go too far. I am not a lawyer and do not understand your ordinary law, but I know that the

[Mr. N. M. Joshi.]

effect of English legislation in England has been very good indeed. There have been no prosecutions since that law was passed and the people in England congratulated themselves on this fact that that law has stopped all prosecutions for civil liability in trade disputes. I know also that a commission went to England from the United States to study the English law on this subject and that that Commission recommended that the United States should pass a law similar to the Trade Disputes Act of England.

The Honourable Sir Bhupendra Nath Mitra: Did they pass it?

Mr. N. M. Joshi: I do not know whether they have passed it or not, but the main point is that the Commission recommended to the United States that the English law was the best law and that the Government of the United States should copy that law. What I am trying to show is that the effect of that law in England has been that undesirable prosecutions have been stopped and that should really be our object. Trade Unions everywhere in the world are organisations which consist of very large numbers of members and for these organisations to be responsible for the acts of their officers who are numerous and scattered over the whole country is not right. For that reason in England immunity is given to Trade Unions from the consequences of the acts of their officers. There was another object why full immunity was given to Trade Unions for acts of their officers and that was that funds of Trade Unions consist of portions which are spent on strikes and also on the educational and other benefits of its members, and it was the intention of the English Legislature to protect these funds of the Trade Unions from onslaughts made on them for prosecutions. But, Sir, our legislation does not go so far. I hope the Government of India will at an early date introduce legislation again to remove these defects. If they do not I hope some private Member will help the Government of India in this matter.

Before I close I would like to say one word as to what Mr. Willson has stated about the attitude of employers. He stated that some Members said in this House that the attitude of employers as regards the Trade Unions Bill was not a proper attitude, and it was also suggested that employers' organisations wanted to suppress the organisations of the workers. But, Sir, if such allegations were made—and I am not ashamed to say that I was the Member who made that allegation—it was not my fault, it was the fault of the organisations of employers themselves. Many organisations of employers in this country when they gave their opinion as regards this Bill said that registration of Trade Unions should be made compulsory, and when I consulted several lawyers they told me that the only way to do that was to suppress them. That was admitted by the Honourable Member in charge of the Department, and therefore, if we thought that it was the object of organisations of employers to suppress Trade Unions, we are not at fault. They themselves are at fault. They did not understand perhaps that when they asked the Government of India to make registration of Trade Unions compulsory, they were asking for the suppression of Trade Unions. (*An Honourable Member:* "No, no.") Let the Honourable Member consult the Honourable Member in charge of Industries and Labour. He himself stated in his speech very clearly that he cannot make registration of Trade Unions compulsory unless and until you suppress those that are unregistered.

The statements were made by the organisations of employers in giving their opinions on this Bill and if there is any doubt in the minds of any Members of this House

Mr. President: Order, order. The Honourable Member need not go into the attitude of employers towards the Bill at such great length at this stage.

Mr. N. M. Joshi: I was only pointing out that it was the organisations of employers themselves who suggested to the Government of India that registration should be made compulsory for Trade Unions in India, and it was on account of this that we had to protest against the attitude of the representatives of the employers. Sir, I do not wish to take up any more of the time of this House. I again state that I support the passing of this Bill.

Mr. O. S. Ranga Iyer: Sir, after listening to so many speeches at this late hour I do not think I will be justified in detaining the House very long. If I stand up to say a word, it is not in support of the Bill or in admiration of the measure. If I have some justification to stand up to-day at this late hour and say a word, it is this, I stand to oppose this Bill. Sir, I have listened to the speech of my great leader from the Punjab, Lala Lajpat Rai. Out of sheer courtesy, Lalaji did not oppose the Bill, though he made a very good case for opposing the measure. I have also listened to the speech of Mr. Joshi. When I asked him why he did not oppose the Bill, he exclaimed "half a loaf". Half a loaf, according to him and the proverb, was better than no bread. Though I do not belong to the "half-a-loaf" school of thought, I must congratulate the Honourable Member Sir Bhupendra Nath Mitra for manipulating Mr. Joshi into the "half-a-loaf" attitude, for, Sir, I remember, and probably the House remembers, that Mr. Joshi was 'talking of "stones" at an earlier stage. Sir Bhupendra Nath Mitra has the reputation of being a good man, but he has proved that he is not only good, he is also clever. He has cleverly manipulated not only Mr. Joshi but some of the rather powerful Members on this side of the House, one of whom at any rate will not give the Government an excuse to say that the Swarajists do not co-operate, for he asserted, "If we have not succeeded in one or two particulars", even then we should give our whole-hearted support to this measure! If I do not give my support to this measure, it is because those "one or two particulars" matter very much. Sir, those one or two particulars were placed before this House at an early stage by a distinguished Member who is not amongst us but above us, I refer to the Honourable President, Mr. Patel. Sir, what he said in February last is true even to-day; though the Bill has gone through the Select Committee stage and has also been amended and amputated in this House, still those words of his are true even to-day. I do not propose to quote Mr. Patel at length, but one or two points which he made, one or two sentences from his speech are very apposite at this last stage of the Bill. Sir, Mr. Vithalbhai Patel said:

"They say that all Trade Unions should be compulsorily registered,"

and now you have carried out that saying into the realm of fact; you want compulsory registration; it is nominally permissive, it is really compulsory. Mr. Patel went on to say:

"that there should be no Trade Union in existence which is not registered."

[Mr. C. S. Ranga Iyer.]

That is exactly what happens when you give certain very good things, certain privileges, certain immunities to registered Unions and deny those privileges to the non-registered Unions. You are thrusting on the one, a privilege and treating the other as an untouchable. Sir, it is not very easy in a big country like this to bring heaps of unregistered Unions within the pale of registration. The process is slow, but the law is effective. Mr. Chaman Lall was preaching law to this House. And it sometimes becomes necessary for a layman to teach law to some lawyers! I would ask him to read clause (2) of section 120-B—the conspiracy sections of the Indian Penal Code—and he will understand that that section applies to unregistered Unions:

“Whoever is a party to a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine, or with both.”

Sir, I fear that this clause applies to non-registered Unions. Sir, Mr. Chaman Lall was interpreting law. He says it has been misinterpreted

Mr. Chaman Lall: How do you interpret it?

Mr. C. S. Ranga Iyer: I do not propose to misinterpret law at all.

Mr. Chaman Lall: Because you do not know it.

Mr. C. S. Ranga Iyer: Mr. Chaman Lall says I do not know it. I will let you know how a similar law has been interpreted in this country. Was not the famous section 144 applied to the suppression of political meetings in this country?

Mr. Chaman Lall: How was this section interpreted may I ask?

Mr. C. S. Ranga Iyer: The Honourable Member is impatient; he does not practise that tolerance which I practised when he was speaking. Sir, I will not, so far as I am concerned, be a party to leaving these unregistered Unions in danger. This danger, Sir, was pointed out by Mr. Patel who bore the legal aspect in mind. He said:

“What are those privileges? Immunity from civil and criminal liability for certain acts. Once this immunity is restricted to registered Trade Unions, it follows as a matter of course that those Trade Unions which are not registered will be at once suppressed. There is no doubt about that.”

Then Sir Purshotamdas Thakurdas interrupting said, “they will not have those privileges”. Mr. Patel replied:

“That is so. They will not have immunity from criminal and civil proceedings. That means there will be civil and criminal proceedings against those Trade Unions which are not registered. The result will be that these Unions will cease to exist. There can be no other meaning.”

Mr. Chaman Lall, Mr. Joshi and other protagonists of the labour movement in this country were talking of the English law and of the omissions in the Indian law. England is a free country, but even in a free country like England, the law has not been left in that nebulous condition. In this country which is not free and where the law is like potter's clay in the hands of the Executive, the law must be clear. I have

dwelt on one danger. There are other dangers, but I do not want to detain this House at this late hour, though I do want to oppose this Bill because it is putting a noose round the neck of Trade Unions. It is a *Trade Disunion Bill* dividing Trade Unions from Trade Unions. Therefore it should be rejected, though I know that in a House in which Sir Bhupendra Nath Mitra has wonderfully managed to make lambs of the lions on this side, this Bill will be passed. This is to his credit. It is an achievement on which I must congratulate him and Mr. Clow.

Syed Majid Baksh: Sir, at this late hour I will not detain the House for more than five minutes. I hope to be excused by my friends here if I cannot bring my views into consonance with the views of the great leaders of labour in this House. I have my own opinions of labour, and I have my own opinions as to the position which labour should occupy in the social economy. I will, however, make one or two remarks which have become necessary on account of what has passed between myself and another Member. My Honourable friend who preceded me has pointed out that section 120-B will in no way apply to this case. It is my habit, Sir, or it is my inclination to view things not in that light of confidence in which other Honourable Members view them. I have no such rosy ideas about the bureaucracy in this country as my Honourable friends who preceded me have given expression to. I have a great doubt that whenever there is a trade dispute in the future this Trade Union Bill will be utilised for suppressing unregistered Unions. A press campaign to begin with, then pressure from the capitalists, and the rest will follow—a declaration by the Government under the Criminal Law Amendment Act, that such and such non-registered Unions are unlawful bodies, and that people who help them, or who form a group to help the non-registered Union which has gone on strike, are really abetting an unlawful purpose and come therefore within the purview of conspiracy as defined in section 120-B. I have yet to be corrected by my Honourable friend who preceded me. That is my opinion and I am sitting here very quietly to be corrected by those friends, great lawyers as they are, who have made such beautiful expositions of law in this Assembly. Sir, all that I am going to point out is that so far Trade Unions have, of course, not been protected by legislation in this country; but every movement of theirs has by analogy with the English law been protected up to this time. There has not been a single case in which a Trade Union or say a group of trade organizations, which has gone on strike has been proceeded against either criminally or civilly, because there was the English law regarding Trade Unions and by comparison with that English law which confers the immunity that Trade Unions enjoy in England, this particular action of the Trade Union has been taken to come within the purview of that law. This argument cannot be put forward now. There are to be registered Trade Unions and as soon as anybody chooses to proceed against an unregistered Trade Union there will be good judges, judges amiable and amenable enough to the argument from the capitalist side, I would not say merely from the Government side but from the capitalist side, that since you have got a Trade Union Act, and you are not registered under that Act, you are not entitled to that immunity which you possess under the Trade Union Act, and you are liable to be proceeded against either criminally or civilly.

I said, Sir, I would not keep the House for more than five minutes and, as I see I am going on to the sixth minute, I will sit down.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, the discussion on this Bill has disclosed different shades of sympathy for the cause of labour in this House. We have heard a very patronising speech from my Honourable friend Mr. Willson who represents a certain section of the merchants of Calcutta. That speech is couched in the usual capitalistic language and was delivered by a man who is perhaps obsessed with a feeling of self-satisfaction that in accepting the provisions of this Bill he has shown a very great kindness to labour and to Trade Unions. Secondly, Sir, we have had a very halting support from our friend Mr. Raju who represents the Moderate Party in this House and who in supporting this Bill has given expression to all kinds of difficulties that weigh with men of his school of thought when they are considering even such an in-offensive piece of legislation as this. And last of all, Sir, we have seen my Honourable friend Mr. Ranga Iyer to-day in the role of an ultra-labourite. To him I can only say that when he parted company with his flowing beard he ceased to be a true representative of the uncouth workers of this country.

Well, Sir, the three main difficulties that will be felt by all trade unionists in trying to work this legislation are these. In the first place, there is the objection which has been mentioned repeatedly by my Honourable friends who have spoken on this Bill, namely, that members of non-registered Trade Unions will not be exempted from civil or criminal liability. That objection, Sir, will deter many would-be trade unionists from establishing a Trade Union in a place where there ought to be a Trade Union. Within my own constituency, for instance, there is a very large body of workers centred in a town like Jherria or Dhanbad. In that town, Sir, the population of workers is nearly a million and so far there is no organised Trade Union there. Well, if a registered Trade Union in a small place that counts on its roll about 2,000 or 3,000 members can claim immunity from civil or criminal liability, I do not see what justification there can be for withholding that immunity from such a large body of workers merely on the ground that they have not chosen to join a registered Union. Well, Sir, in the initial stages of the development of the Trade Union movement in India it will be necessary for outsiders to go and try to establish Trade Unions at big centres like Jherria and Dhanbad; but as soon as they go there advantage will be taken of this provision in the Trade Union Act, and persons who do not belong to a registered Trade Union will at once be hauled up for the offence of conspiracy. Well that is one of the difficulties.

The second difficulty which the trade unionist will feel in working this Act will be the difficulty arising out of the new clause about political funds. Sir, what this new clause has given to the trade unionist is no very great privilege. Anybody in this country, any group of men, is entitled to raise money, to raise subscriptions and to amass funds for the purpose of carrying on political propaganda, and that is the only thing which this Bill, as it stands to-day, has given to trade unionists in this country. The very idea of political funds as it is understood in England, Sir, is that members who belong to a particular body should be compelled to pay subscriptions to that fund unless they contract themselves out of it. That idea, Sir, is entirely absent and although we have a new clause introduced in the Bill with the marginal note "Political Fund", I do believe that there is nothing like a right to establish a Political Fund given under this Act. This is only a right of voluntarily forming a group and raising subscriptions for carrying on political propaganda, a right which is given under the

general laws to all bodies of men, whether they are recognised or unrecognised, whether they are registered or unregistered.

The third objectionable feature of this Bill to which attention has not been directed this morning is that it gives very great power to the Registrar, whose only duty ought to be to receive applications and register Trade Unions in the ordinary course of business. We have, Sir, in the Bill words such as "adequate" introduced with a view to giving almost a judicial discretion to the Registrar before he decides whether he should allow a Union to be registered or not. And again the Bill also gives power to the Local Government or perhaps to the Government of India for making rules in order to regulate the business of Trade Unions in certain respects. Well, Sir, that is a provision which I must say is very distasteful to us. In sub-clause (k) of clause 15 the Governor General in Council is given power to sanction certain kinds of expenditure by means of rules promulgated in that behalf. Well, Sir, in these matters the Government of India ought not to have been brought in. The purposes for which a Trade Union fund should be spent are better understood and better appreciated by the Trade Unions themselves and it is not possible for the Government of India to understand or appreciate their needs.

These are, Sir, some of the objectionable features of the Bill. But we have accepted it only with this idea that in the near future we will have a Bill which will remedy the existing evils as far as it is possible to do so. Well, Sir, holding the views which I have expressed this afternoon, I do not think that we can either congratulate the Government or console the workers in this country on the passage of this Bill. This Bill is but a very halting recognition of the ordinary rights, of the most elementary rights, which the workers and Trade Unions in India can legitimately claim at the hands of Government. Sir, even in granting these most elementary rights to workers in this country a discrimination has been made against them which I submit is altogether unjustified. Oftentimes conditions in this country are compared to conditions in England but in granting these privileges to workers in this country Government have thought fit always to keep in view that workers in India are very different from workers in England or in any other country. Well, Sir, so far as we are concerned, we realise that workers are the same all over the world; and so far as the employers are concerned they also believe that they are the same all over the world. The tyranny of the employers to which I and my friend Mr. Goswami referred in our note of dissent has been adverted to to-day by my friend, Mr. Willson. I desire to assure him and to assure men of his class that I at any rate am not ashamed of the note of dissent which I wrote. Sir, what I wrote was only this:

"We apprehend that employers in India will make every attempt to prevent the establishment of new unions and will try to break the existing unions."

I stand by every word of what I said, and I submit that our apprehension is justified entirely by the tone and the language in which my friend, Mr. Willson, has supported the Bill to-day. Very patronisingly he has quoted a passage

Mr. President: The House is not concerned with the tyranny of the employers at this stage.

Mr. Devaki Prasad Sinha: I bow to your ruling, Sir. My Honourable friend has quoted from a motto of some old, and I believe extinct, trade union in Great Britain which says: "Give to capital its rights and to

[Mr. Devaki Prasad Sinha.]

labour its just reward". Sir, I would not be willing to subscribe to the implications contained in this motto. Labour is asked to accept a reward, while capital claims certain rights. Workers to my mind have as much right at the hands of the community as capitalists and employers have, if not more. My Honourable friend Mr. Willson has also said that trade unionists must remember that Trade Unions cannot exist apart from trade. I would ask my Honourable friend, Mr. Willson, and other capitalists like him to remember that, although Trade Unions cannot exist without trade, trade can exist and does exist without capitalists and without profiteers.

Mr. O. S. Ranga Iyer: On a point of order, Sir. I want a ruling on the question whether it is germane to the issue to go over the wider question of capitalism now?

Mr. President: The Honourable Member from Bihar has already been warned that he is irrelevant in referring to the tyranny of the capitalists at any great length at this stage.

Mr. Devaki Prasad Sinha: Sir, I shall not do so; I was only referring to certain remarks of my Honourable friend, Mr Willson; but since you do not wish me to do so I shall not go on with it. I only wish to conclude by saying one word, that my Honourable friends who have to-day shown such great anxiety for workers will, I hope, show the same anxiety to the cause of workers and to the cause of trade unionism: when some of us bring in a Bill for recognising the rights of unregistered trade unionists. To-day my Honourable friend, Sir Bhupendra Nath Mitra, by introducing this legislation, has enabled the House to accept the principles of the present Bill. We hope, Sir, some of us at any rate, that in the same way as we have accepted his proposals he will also accord his approval and his support to any proposal which we may bring forward either in the next Session or on some future occasion with regard to the privileges and rights of members of an unregistered Trade Union, or a Bill that would extend the same immunity from criminal and civil action to members of unregistered Trade Unions as this Bill does to members of a registered Trade Union. With these words, Sir, I support the proposal of my Honourable friend, Sir Bhupendra Nath Mitra.

Mr. A. G. Olow (Industries Department: Nominated Official): Sir, this debate has gone to an unexpected length and I have no desire to prolong it unduly. But I do want to deny the suggestion that this Bill is a halting measure. Looking back over the history of the last four or five years, I cannot find any place where we have halted, and I am surprised at the distance we have gone. When one remembers the items round which controversy centred, I think Honourable Members will recognise the truth of what I have said. We debated for several years in the Press and in correspondence whether registration should be optional or compulsory. Registration in the Bill is optional. We debated whether the outsider should have any part in Trade Unions. An outsider can have the fullest part in the Trade Unions registered under this Bill. And since the Bill was introduced a clause has been brought in extending the objects on which trade union funds may be spent, to political objects. In spite of categorical announcements in certain newspapers that Government were going to oppose that clause and secure its deletion, no such move was made. The Bill is in no sense a halting measure. It affords adequate powers to all Trade Unions that desire to avail themselves of it.

But may I just deal with one final point, because a large number of speakers have referred to it, and that is the fact that the Bill does not extend to non-registered Trade Unions. Lala Lajpat Rai has said that the reason given for this failure on the part of Government, as he regarded it, was that Indian workmen were not as advanced as European workmen. Now, I have had the privilege of attending all the debates on this Bill and the discussions in the Select Committee, and I cannot remember a single occasion on which that argument has been advanced by Government in this connection. The argument for not extending the privileges of registered Trade Unions to non-registered Unions is the argument given by the Honourable Member in charge of the Bill in his opening speech, that responsibility and power must go together. And after all, what do we ask of Unions that register? There are virtually only two restrictions placed on Unions that register: one is that they must include workmen in their executive. As my friend Mr. Chaman Lal has assured the House, that is not really a restriction at all, because every Trade Union that is worth its name does so already. The other restriction is an important one and it is a real restriction, that Trade Unions must have their funds audited. No responsible Trade Union that I know of in this country will object to that. In fact I know of cases where leaders have taken over Unions in which embezzlement had gone on on a large scale and the first thing they have done is to insist on regularly audited accounts; and if you suggest that these privileges should be extended to Unions which emphatically refuse to submit to audit, I can only say that is a proposition which I personally cannot support.

Mr. L. Graham (Secretary, Legislative Department): Sir, before you put this motion to the House, I would with your permission move the formal amendments of which I have given notice. The first of these refers to sub-clause (g) of clause 2, and merely asks for the removal of the words "the expression," which were added by Mr. Joshi. He himself will, I think, understand that the amendment is a purely formal one. The Bill has been reprinted and is before the Honourable Members in the form in which it was passed at the consideration stage. I think, Sir, no remarks are necessary on this amendment.

The motion was adopted.

Mr. L. Graham: Sir, the next amendment I have to move is an equally small amendment, and that is to make the alteration of the word "and" where it occurs at the end of the clause to the word "or" in the proviso which we inserted at the consideration stage. We have a proviso excluding certain things, and the disjunctive is therefore more correct than the conjunctive.

Mr. President: The question is:

"That in sub-clause (h) of clause 2, in clause (iv) of the proviso for the word 'and', where it occurs at the end of the clause, the word 'or' be substituted."

The motion was adopted.

Mr. L. Graham: The last amendment I have to move centres round one fact, that in the clause as originally drafted we had the words "accompanied by a statement of the following particulars", but by sheer bad drafting, I must confess, we added the last sub-clause "(d) a copy of the rules of the Trade Union". That cannot be described as a statement of the particulars. We have therefore remodelled the clause, and there is no

[Mr. L. Graham.]

change of substance at all. The changes amount to this, that in clause (a) of sub-clause (1) of clause 5 after the words "accompanied by" we insert the words "a copy of the rules of the Trade Union and" and thus get them in their proper place in the clause; and secondly in clause (b) after the words "head office," we insert the word "and" with a view to connect it with clause (c), because clause (d) is going to be omitted. Again in sub-clause (1) of clause 5 we propose that in clause (c) the words "a list of" be omitted, because they are not really correct when read in conjunction with the words "a statement of the following particulars". Finally as we have taken out clause (d), and put it in the body of sub-clause (1) that clause goes out.

Mr. President: The question is:

"That in sub-clause (1) of clause 5:

- (a) after the words 'accompanied by' the words 'a copy of the rules of the Trade Union and' be inserted;
- (b) that in clause (b) after the words 'head office' the word 'and' be inserted;
- (c) that in clause (c) the words 'a list of' and the word 'and', where it occurs at the end of the clause, be omitted; and
- (d) that clause (d) be omitted.

The motion was adopted.

Mr. President: The question is:

"That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, as amended, be passed."

The motion was adopted.

THE PROMISSORY NOTES (STAMP) BILL

The Honourable Sir Basil Blackett (Finance Member): Sir, I move for leave to introduce a Bill to provide for the validation of certain promissory notes.

The motion was adopted.

The Honourable Sir Basil Blackett: Sir, I introduce the Bill

THE STEEL INDUSTRY (AMENDMENT) BILL.

The Honourable Sir Charles Innes (Member for Commerce and Railways): Sir, I move for leave to introduce a Bill to amend the Steel Industry (Protection) Act, 1924, for the purpose of increasing the total amount payable by way of bounties under that Act, in respect of wagons and of providing for the grant of bounties in respect of underframes for railway passenger carriages.

Sir, I have explained the objects of this Bill at great length in the Statement of Objects and Reasons. I hope I shall have another opportunity of explaining the Bill in greater detail, and so I propose to be very brief on this occasion. There are two main reasons for this Bill. One is that, as I explained in September last, we got into great difficulties in regard to the payment of these bounties, by the limitation of the total amount we might pay to 7 lakhs a year. The Assembly in September last

agreed that we should pay during the period of the Steel Industry (Protection) Act 21 lakhs for three years instead of 7 lakhs in each year. That is the first reason. The second reason is this. The Steel Industry (Protection) Act expires on the 31st March, 1927. Now, we have to place our orders for wagons one year before they are required and when we decide between the tenders we get, we must know how much money we have got for bounties. As I have said, the Steel Industry (Protection) Act expires on the 31st March, 1927. In May or June this year we shall be calling for tenders, and we shall have no money with which to give bounties and to place tenders with Indian firms. Thus the Bill practically extends the system of bounties for railway wagons for a fourth year pending reconsideration of the whole subject in the Delhi Session next year. Sir, I move

The motion was adopted.

The Honourable Sir Charles Innes: Sir, I introduce the Bill.

THE INDIAN INSURANCE COMPANIES BILL

The Honourable Sir Charles Innes (Member for Commerce and Railways): Sir, I beg to move that the Bill to consolidate, amend and extend the law relating to Insurance Companies, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Sir Percy Lindsay, Mr. B. Venkatapatiraju, Seth Kasturbhai Lalbhai, Mr. Ahmed Ali Khan, Mr. K. V. Reddi, Lala Lajpat Rai, Mr. Jamnadas M. Mehta, Mr. R. K. Shanmukham Chetty and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

The House, I hope, will treat this as an agreed motion. When I last brought up the Insurance Bill before the House, I proposed to refer it to a Joint Committee, but the House expressed a desire to have a Select Committee of the Members of this House, and accordingly I am bringing a revised motion proposing to the House that the Bill be referred to a Select Committee of this House. In making up the Committee, I have taken into confidence all the leaders of the various parties opposite, and I would beg the House to observe that the Committee is now a balanced Committee representing in due proportion the various parties in the House. I would also appeal to the indulgence of the House. There are a good many Members of this House, I know, who would like to be on this Committee, and for many reasons I should value also their advice very much. In fact, if it were possible my motto would be "Let them all come", but long experience has told me, as I am sure it has told everybody in this House, that when dealing with a Bill of this kind, if you want a workable Committee, you must have a small Committee, and I hope that the House will accept my motion as I have moved it.

Mr. M. M. Joshi (Nominated: Labour Interests): Sir, I want to add the name of Dr. Lokare to the names of the members of the Select Committee.

The Honourable Sir Charles Innes: I can only repeat the appeal I have just made.

Mr. N. M. Joshi: Sir, Dr. Lohokare does not belong to the Swaraj Party now. He has no party now-a-days.

The Honourable Sir Charles Innes: I should like to point that there are several Members who came and asked me to put them on this Committee, and with great consideration they have withdrawn their names. I hope that my Honourable friend Mr. Joshi will take the same view. I may assure him that I should very much have liked to have Dr. Lohokare on this Committee, but I do wish to have a small Committee, and if I do put him on, there are several other Members who would also like to be put on.

Dr. K. G. Lohokare (Bombay Central Division: Non-Muhammadan Rural): Sir, for my part I am not prepared to serve on this Committee on this pretext.

Mr. President: As the Honourable Member does not wish to serve on the Select Committee, there can be no amendment before the House to include him.

The question is:

"That the Bill to consolidate, amend and extend the law relating to Insurance Companies, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Sir Darcy Lindsay, Mr. B. Venkatapathiraju, Seth Kasturbhai Lalbhai, Mr. Ahmad Ali Khan, Mr. K. V. Reddi, Lala Lajpat Rai, Mr. Jammadas M. Mehta, Mr. B. K. Shamukhan Chetty, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE INDIAN FACTORIES (AMENDMENT) BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to move that the Bill further to amend the Indian Factories Act, 1911, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Seth Kasturbhai Lalbhai, Mr. W. S. J. Willson, Mr. N. M. Joshi, Diwan Chaman Lall, Mr. L. Graham, Mr. A. G. Clow, Mr. B. Das, Mr. T. C. Goswami, Mr. B. C. Pal, Khan Bahadur Sarfaraz Hussain Khan, Mr. E. F. Sykes, and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

When I introduced this Bill into the House on the 17th September last, I mentioned that the object of the Bill was largely to remove certain administrative difficulties that have been experienced in connection with the working of the Act. The Bill was circulated, and has received a large amount of support from various quarters. At the same time the Bill consists of a large mass of details in regard to which I do not propose to waste the time of the House. There are no important principles involved, and it is only proper that these details should be threshed out fully by a Select Committee before they are taken up for consideration by this House. Sir, I move.

The motion was adopted.

THE INDIAN NATURALIZATION BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I move that the Bill to consolidate and amend the law relating to the naturalization in British India of aliens resident therein, as reported by the Select Committee, be taken into consideration.

This, Sir, was a Bill which the House insisted on my referring to Select Committee. I thought at the time that it was rather unnecessary for the House to pass that motion because I was convinced that the Select Committee would have nothing to say on the Bill. Therefore it is with great pleasure that I see that the Select Committee have had nothing to say on the Bill. They accept the Bill, and they say that they have made no alteration in it. Sir, I move.

Mr. Kumar Sankar Ray (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): Sir, I am sorry I am unable to agree with the view given expression to by the Honourable Members who formed the Select Committee in so far as what some of them say in the appended note about America and other countries, which do not grant certificates of naturalization to Indians, is concerned. In order to decide the question it is necessary to go a little into the history of the matter. Previous to the British Naturalization Act of 1914

Mr. President: Order, order. Is the Honourable Member opposing the motion for consideration?

Mr. Kumar Sankar Ray: No, Sir. I am speaking on my amendment.

Mr. President: Amendments will come at a later stage.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): On a point of order, Sir, are not Honourable Members allowed to make a speech and offer observations on a motion that the Bill be taken into consideration?

Mr. President: Certainly. The Chair wanted to know what the Honourable Member was exactly doing, as it appeared to the Chair that he was dealing with the amendments.

The question is:

"That the Bill to consolidate and amend the law relating to the naturalization in British India of aliens resident therein, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 9th February, 1926.

LEGISLATIVE ASSEMBLY.

Tuesday, 9th February, 1926.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

REFUSAL OF NATURALIZATION TO INDIANS IN THE UNITED STATES OF AMERICA.

724. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state whether it is a fact that Indians in the United States of America are now no longer held eligible for naturalization and that the colour bar precludes their acquiring land or living otherwise than as casual visitors in that country?

(b) Will the Government be pleased to state whether they propose to take action by adopting the proper legal procedure with a view to secure a reversal of the decision of the Supreme Court, and thus ensure the right of Indians to naturalization as heretofore?

(c) Will the Government be pleased to state:

(i) the number of American residents in this country; and

(ii) whether they suffer from all or any of the disabilities imposed upon Indians in America?

Sir Denys Bray: (a) Yes, under a ruling of the Supreme Court of the United States of America dated 19th February, 1923, Indians have been declared ineligible for United States citizenship under the terms of the American constitution itself. As a consequence they are unable under the local law in certain States, notably California, to possess real property, ownership of all land being reserved to persons eligible for citizenship. And they are not permitted to enter America for other than temporary visits unless they are ministers of religion, professors or *bona fide* students.

(b) I fear there is no legal proceeding open to us. The Supreme Court is the final federal Court of Appeal in the United States of America and its decision is final.

(c) (i) Statistics are not available, but I notice that 750 persons declared their birthplace specifically as the United States at the last census.

(ii) No, Sir.

Sir Hari Singh Gour: May I beg to inquire whether it is not a fact that a previous decision of the Supreme Court of the United States was in favour of the view that Hindus, by which term were designated Indians belonging to the Caucasian race, were Aryans, and, therefore, entitled to the full rights of citizenship in the United States, and whether the later decision does not conflict with the earlier decision of that Court?

Sir Denys Bray: I have not the slightest reason to believe that the facts are as stated.

Sir Hari Singh Gour: Is the Honourable Member aware that this is not the first decision on that subject. Has he made inquiries on the question?

Sir Denys Bray: I have given the Honourable Member the facts regarding the final decision of the Supreme Court. I cannot conceive myself how—I see the Honourable Member shakes his head: if he can give me the judgment it will be of supreme academic interest but of more than academic interest it cannot be. I have told the Honourable Member that the Supreme Court has given its final decision on the interpretation of the American Constitution itself. That a lower court may have held otherwise is highly probable; but that the Supreme Court on a previous occasion gave a different decision is highly improbable. I know nothing about it. All I can say is that the facts I have given relate to the final decision of the final Court of America.

Sir Hari Singh Gour: May I ask the Honourable Member if he is prepared to make inquiry into this question?

Sir Denys Bray: It would have academic interest only, I fear.

Sir Hari Singh Gour: I beg to ask how it will have academic interest only when two decisions of the same Court given in two different cases conflict with each other. The Honourable Member is well aware of the legal position that when one decision conflicts with another decision of the same Court, a test case is the proper method and should be instituted by the British Government for the purpose of upholding the rights of Indians in the United States of America. My question has not been answered yet.

Sir Denys Bray: If the Honourable Member will assist me in delving into the legal archives of the United States, I will do my best to help him.

Sir Hari Singh Gour: Will the Honourable Member put me in communication with the British Ambassador at Washington to enable me to do so?

Mr. B. Das: What happens to the British Indians who are no more Americans? Do they remain British Indians or have they no nationality at present?

Sir Denys Bray: I should require notice for a firm answer to the question but I understand the position is something like this. The decision of the American Supreme Court is tantamount to this, that the naturalisation of these Indians as American subjects was null and void *ab initio*: ergo, as I understand it, it is held that those Indians have never lost their British nationality. That I believe is the position, but if my Honourable friend will put a question down on the paper I will endeavour to give him a more authoritative answer.

Sir Hari Singh Gour: May I beg to inquire whether the Honourable Member has seen a copy of the judgment?

Sir Denys Bray: Yes, Sir.

Dr. S. K. Datta: May I ask whether the Honourable Member knows of the decision of the United States Federal district court which held that an Indian was eligible for citizenship?

Sir Denys Bray: I have not, I think, stated that I had no reason to believe that the lower courts may have given that decision, but I am speaking now of the Supreme Court and the final decision of the Supreme Court. I understand of course that the lower courts may well have held a different opinion.

Sir Hari Singh Gour: May I repeat my question whether the Honourable Member is prepared to make that judgment available to Members of this House?

Sir Denys Bray: I have forgotten for the moment how long it is, but I will gladly show it to the Honourable Member himself; and if it is not too long I will make it available to other Members.

Sir Hari Singh Gour: Will the Honourable Member investigate whether there are not means within the constitution of the American States, to get that judgment reversed by instituting a test case or otherwise?

Sir Denys Bray: I am sure the Honourable Member knows much better than I do there are no such means, no legal means at all. Of course it is open to America to alter its own constitution, but I think my Honourable friend again knows much better than I do how extraordinarily difficult and laborious the process of amending the American constitution is.

Sir Hari Singh Gour: May I ask whether the British Government will make representations to the American Government to see that Indians are not placed under the disabilities in which they have been placed in consequence of the decision of the Supreme Court, in view of the fact that Americans are not only treated like British Indians here but given certain privileges which are not available to other nationalities?

Sir Denys Bray: If I have left the Honourable Member under the idea that His Majesty's Government have taken no steps in this matter I have been very grievously at fault. The matter has been the subject of very close diplomatic correspondence for a very long time. His Majesty's Government have availed themselves of every possible opportunity to represent the hardships under which Indians have suffered and have seized every possible chance of endeavouring to alleviate the hardships under which they have suffered.

Sir Hari Singh Gour: Sir, it is not merely a case of hardship. I am referring to

Mr. President: Order, order.

RESERVATION OF RAILWAY COMPARTMENTS ON THE EAST INDIAN RAILWAY.

725. ***Mr. Bipin Chandra Pal:** (a) Is there any rule in the departmental code of the East Indian Railway which makes the production of the requisite number of tickets needed for the reservation of any railway compartment in consecutive numbers, obligatory? If so, will the Government be pleased to state the reasons for it?

(b) Is it against this rule to include holders of return tickets in the party for whom the compartment is reserved along with those holding only single-journey tickets? If so, what is the object of this restriction?

**DUTIES OF THE SUPERINTENDENT OF MOVEMENT AND THE REGISTRAR
OF BERTHS AT HOWRAH.**

726. *Mr. Bipin Chandra Pal: Is there an official designated as Superintendent of Movement at Howrah; and if there is, what are his special duties and what is his pay? Is it a fact that reservation of berths and compartments is part of his duty? Is it a fact that berths are reserved at the Howrah station or in the city offices of the East Indian Railway in Calcutta by the officials in charge of this duty, and that in the office of the Superintendent of Movement a lady clerk is put in charge of this work under the designation of Registrar of Berths? If so, what is the pay of this official and what are her duties and what is the connection of the Superintendent of Movement with this official? Do the Government propose to inquire what the qualifications of this official are and whether she has an intimate knowledge of the rules she is expected to work in connection with the registration of reserved berths or compartments?

**ACCOMMODATION FOR FIRST AND SECOND CLASS PASSENGERS FROM
HOWRAH TO DELHI IN CARRIAGES MARKED "HOWRAH-DELHI
SECTION."**

727. *Mr. Bipin Chandra Pal: Are there first and second class carriages attached to the Up Punjab mail from Howrah that are meant especially for passengers to Delhi? Is it a fact that they are detached at Delhi and that passengers travelling in these carriages are entitled to stay therein till next morning? Is it a fact that these carriages are marked in bold letters as Howrah-Delhi Section? Is it the duty of the Superintendent of Movement in Calcutta to see that first and second class passengers travelling to Delhi by the Up Punjab mail from Howrah, who asked especially for reservation of berths or compartments in this section of the train, do get them, and are not forced to get down at Delhi at 1 A.M. and be subjected to all the inconvenience and discomfort which they wanted to avoid, and for which this Howrah-Delhi section is provided in this train?

Mr. G. G. Sim: I propose to answer questions Nos 725 to 727 together. In so far as they are requests for information as to the procedure in force on the East Indian Railway for reserving accommodation on the route from Howrah to Delhi, the Government of India have no exact information available except that published in the time-table and guide. If, however, the inspiration for these questions comes from some unfortunate experience of the Honourable Member himself, I would suggest that he should supply me with the details and I will undertake to send the complaint to the Agent. I would, however, suggest to the Honourable Member that the interests of the travelling public generally would be best served if such complaints were made direct to the Agent immediately the incident occurs.

Mr. Bipin Chandra Pal: Have I no remedy, Sir, from the railway administration, which is a part of the Government of India, in regard not to me personally but to a complaint which is very general?

Mr. G. G. Sim: I suggested, Sir, that the Honourable Member should take the remedy open to him of applying first of all to the Agent. The Government of India do not and cannot undertake to lay down instructions from Delhi as to the exact arrangements to be made on a particular railway for passenger traffic between two particular stations. I recognise, Sir,

that the Honourable Member does not usually put forward questions of this nature, and for that reason I am quite prepared, if the Honourable Member will supply me with details regarding his own experiences, to send it to the Agent and take the matter up with him.

Mr. Bipin Chandra Pal: I want to know whether the rules framed from time to time by the different railways are sent up to the Railway Board for their consideration and sanction?

Mr. G. G. Sim: I do not quite understand what the Honourable Member means by rules. If he means the arrangements made by the Agents of individual railways for the regulation of traffic on particular railways, these matters are not sent to the Government of India; they are left to the discretion of the local authority.

Mr. Bipin Chandra Pal: Has no change occurred in regard to these matters since the transfer of the East Indian Railway directly to the Government of India?

Mr. G. G. Sim: Not so far as I am aware

Mr. Bipin Chandra Pal: Is the Honourable Member aware that, when the East Indian Railway was managed by the Company and not as a department of the Government of India, passengers received greater consideration than now?

Mr. G. G. Sim: No, Sir, I am not aware of that

Mr. Bipin Chandra Pal: Are all my questions answered?

Mr. G. G. Sim: Yes.

THE INDIAN REGISTRATION (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadian Urban): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Registration Act, 1908

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RESOLUTION *RE* REDUCTION OF THE INLAND POSTAL RATES.

Mr. President: Mr. Ahmad Ali Khan.

Mr. K. Ahmed (Rajshahi Division: Muhammadian Rural): Sir, . . .

Mr. President: The Honourable Member was not called Mr. Ahmad Ali Khan.

Mr. K. Ahmed: Sir, I have been authorised by Mr. Ahmad Ali Khan to move the Resolution standing in his name.

Mr. President: The Chair does not know anything about it.

(At this stage Mr. Ahmad Ali Khan entered the Chamber.)

DUTIES OF THE SUPERINTENDENT OF MOVEMENT AND THE REGISTRAR OF BERTHS AT HOWRAH.

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Mr. Bipin Chandra Pal: Is the Honourable Member aware that, when the East Indian Railway was managed by the Company and not as a department of the Government of India, passengers received greater consideration than now?

Mr. G. G. Sim: No, Sir, I am not aware of that.

Mr. Bipin Chandra Pal: Are all my questions answered?

Mr. G. G. Sim: Yes.

THE INDIAN REGISTRATION (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Diwan Bahadur T. Rangachariar (Madras City. Non-Muhammadian Urban): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Registration Act 1908.

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RESOLUTION *RE* REDUCTION OF THE INLAND POSTAL RATES.

Mr. President: Mr. Ahmad Ali Khan.

Mr. K. Ahmed (Rajshahi Division: Muhammadian Rural) Sir, . . .

Mr. President: The Honourable Member was not called. Mr. Ahmad Ali Khan.

Mr. K. Ahmed: Sir, I have been authorised by Mr. Ahmad Ali Khan to move the Resolution standing in his name.

Mr. President: The Chair does not know anything about it.

(At this stage Mr. Ahmad Ali Khan entered the Chamber.)

Mr. President: It is very improper on the part of an Honourable Member to say that he has been authorised to move a Resolution when he has not been authorised to do so. Mr. Ahmad Ali Khan is present here and it could not be that the Honourable Member has been authorised by him.

Mr. K. Ahmed: At the time you called, Sir, . . .

Mr. President: If the Honourable Member was authorised he should have sent in the written authority to the Chair.

Mr. K. Ahmed: Very well, Sir; I shall do so next time.

Mr. Ahmad Ali Khan (Assam: Muhammadan): Sir, I move the Resolution standing in my name. It runs as follows:

"This Assembly recommends to the Governor General in Council that the Inland postal rate on postcards be reduced to 3 pies and on envelopes to 9 pies and that the Budget for next year, 1926-27, be prepared accordingly."

The circumstances in which the increase in postal rates occurred are very familiar to the Honourable Members of this House. The increase took place in the year 1922. Prior to 1921, there had been for many years a surplus of some lakhs in the postal budget, but in that year there was a deficit of about 46 lakhs of rupees, which increased to 57 lakhs in the next year. These deficits were chiefly due to a general rise in prices of stores and services and to a large increase in the pay of the subordinate staff. With a view to increasing the revenue of the Post Office, higher postal rates were introduced with effect from April 1922. It was estimated that as a result of the higher postal rates, the Postal Department would enjoy an additional revenue of over 160 lakhs. But as the results show the additional revenue did not come to anything more than about 79 lakhs. Sir, it was in that year 1922 that the Government of India were faced with a very large deficit amounting to no less than 33 crores, I believe; and the increase in the postal rates was one of the measures adopted with a view to meet the deficit in the general Budget and also cover the deficit in the postal Budget. I seek the indulgence of the House to place before them a few figures relating to the sale of postcards and the number of letters that have passed through the Post Office in the last ten years. Taking postcards first, between 1914-15 and 1920-21 the sale of postcards increased from 470 millions to 635 millions. I may inform the House that I have got these figures from the administration reports and I consider that my reading is fairly correct. Between these years therefore there was an increase of 165 millions in postcards. In 1922 as a result of the enhanced postal rates the figure fell to 505 millions. My point is this, that but for the increased rates it might well be assumed that the sale would have been in the neighbourhood of what it actually was in 1924-25, namely, 545 millions *plus* 165 millions, that is to say, about 710 millions. Similarly in the case of letters. The number of letters that passed through the Post Office in 1914-15 was 450 millions. In 1920-21 it was 610 millions; in 1921-22 it was about the same. Therefore there was an increase in those five years of 160 millions. Last year, in 1924, the sale was about 580 millions. So if you had an increase according to the previous five years, we may assume that the sale in 1924-25, but for the enhanced rates, would have been 580 millions *plus* 160 millions or 690 millions. That is a very close approximation to the sale of postcards. The sale of postcards, I take it, would have been 710 millions and the number of letters that passed through post offices 690 millions. Now, it seems to me that, in the light of the figures I have submitted, we are in a position to judge the extent

of the loss that will be incurred by the Government if the rates were brought back to the old figures, namely, in the case of letters to half an anna and in the case of postcards to one pice. I have calculated, and I find that the loss that will be incurred over the letters will be over one crore, and in the case of postcards it would be in the neighbourhood of about 25 lakhs. Whatever differences of opinion there may be as to the practicability of reducing the rates on letters, I venture to hope that in regard to postcards, at any rate, we are fairly unanimous that the rates should be reduced. In this connection I may also submit a series of figures giving the amounts of surplus that the Postal Department has been enjoying during the last three years:

In 1922-23, I take it, there was a surplus of	35 lakhs.
In 1923-24, " "	42 "
In 1924-25, " "	15 "

So, if the Honourable Member in charge is not prepared to reduce the rates on letters, I think he should at least consider the desirability of reducing the rates on postcards, and I think the loss at the most would be about 10 or 11 lakhs this year. It has to be remembered, Sir, that the enhanced rates have fallen very largely on the poorer classes, and it is they who use postcards more than any other people. Government have obtained a very large amount during the last five years, from 1922 and onwards, and they would be doing an act of justice if they were to give the relief that we are asking for in this Resolution. At the time the higher rates were introduced, Sir Malcolm Hailey, then Finance Member, made this statement. He said:

"I admit now, as I admitted then, the enormous advantage to a country of a cheap postal service. Nor do I underestimate in any way the strong sentimental attachment that must exist to the pice postcard".

Sir, the enhancement of the postal rates was only one of the series of measures taken in 1922 to meet the heavy deficit of that year. There were also other measures adopted, and they were, as Honourable Members are aware, the increase in the salt duty from Rs. 1-4-0 to Rs. 2-8-0, the increase in the railway fares and enhanced customs duties. It is, however, gratifying to find, Sir, that the Honourable the Finance Member has succeeded in bringing the salt duty down to the old rate; he has also given us relief in the matter of railway fares, and lastly we have a temporary remission of the cotton excise duty preparatory to its permanent abolition. I will quote just a few lines from the speech of an Honourable Member, who is also a Member of this House. He said, referring to the increased taxes, "your salt is taxed, matches are taxed, kerosine oil is taxed, railway fares are increased and the post is taxed." That gives us, Sir, an indication of the manner in which increased postal rates are being looked upon by the public. Sir, only a few days ago I had a conversation with an Honourable Member of this House, who is a recipient of a recent title. He told me that the increased rates are felt even by the middle classes and the lower middle classes and he gave out to me incidentally that some friends or relations of his—I forget which—have ceased to correspond or made their correspondence much less frequent than before. The Honourable Member, I certainly think, belongs I will not put it any higher at least to the middle class, and he seems to think that the increased rates are felt not only by the poor people but by the other classes as well who are not classed as poor. In conclusion, Sir, I will only say this. The Honourable the Finance Member has signalled his tenure of office by doing a

[Mr. Ahmad Ali Khan.]

good many things such as reducing the salt duty and abolishing the cotton excise duty—a long standing grievance—and I hope he will further signalise the remaining period of his office by giving us the old rate of one pice on post cards.

Sir, I may be permitted to say that I regret very much that Mr. G. P. Roy is not here to take part in the discussion but I hope he will soon be here. I understand he is suffering from a serious illness.

Mr. K. Ahmed: Sir, I rise to support the Resolution and urge the attention of this House and the Government to consider the feeling of the people with regard to the rates of postage. The condition of the country is such, Sir, that the people cannot afford to pay the higher rates any more. After the Western war, the condition of the people now is not in any way better and it is high time that the Government met the wishes of the people of the country. The income of the people has gone down. There is trade depression in the country and there is no business going on in full swing as it was carried on at the time when the cost of inland postage was increased in 1922-23 in the last reformed Council.

Khan Bahadur Salyid Muhammad Ismail (Bihar and Orissa: Nominated Non-Official): And to which you were a party.

Mr. K. Ahmed: I was a party to it because I thought it was absolutely necessary, but at present, as the Honourable the Mover has enlightened the House, the rates have been decreased in the matter of other taxation, as for instance, the salt duty, railway rates and some other rates and taxes, and the Honourable Member in charge will probably agree to-day that it is high time that the postal rates also should be reduced. The dumb millions and the mute agriculturists in the villages cannot afford to spend money to write letters. Therefore reductions are absolutely necessary for the benefit of the poor people of this country.

Besides, Sir, I desire to place before the House that according to the budget estimate presented at the beginning of the last financial year, it was estimated that the total loss on the working of the Postal and Telegraph Departments amounted to Rs. 60,000. The Honourable the Finance Member roughly estimated that the working of the Postal Department itself gave a net profit of Rs. 29,28,100. The loss incurred on account of the Telegraph Department was Rs. 26,15,430 and on account of the Telephone Department Rs. 3,72,670. I mention the Telegraph and Telephone Departments as my friend the Honourable Member in charge of the Department, I am sure, Sir, will try to mislead the House—(Laughter)—will try to mislead the House by mixing it up with these Departments. Sir, it is quite obvious that there is an ample profit on the Postal Department and I am simply asking for the reduction of the postal rate on post-cards and envelopes. I have not bothered the Government at present about the reduction of Parcel, book-post, and money order rates at all; and the telegraph rates ought to have been reduced as well, as the Telegraph Department brings loss to the Indian revenue to the extent of such an enormous sum, on account of their luxurious and enterprising communications for the strategic lines, Military Foreign Departments, etc., etc. The principle “to rob Peter to pay Paul” which has hitherto been adopted by the Government in spending money from the Postal Department

in the account of the Telegraph and the Telephone Departments is not a businesslike principle. It is neither commercial nor a sound policy for the Government to act upon. The profit of Rs. 29,28,100 made on the Postal Department being devoted to make up the deficit under the head of Telegraphs including radio and telephones is not a fair proposition and the muddling harangue of Sir Geoffrey Clarke last year and the trick of three cards played in the answer of mixing together, given by Sir Bhupendra Nath Mitra in his reply to my friends Messrs. Duni Chand. Ramachandra Rao and Sarfaraz Hussain Khan, will have no more effect whatever. "Hope deferred maketh the heart sick."

I know, Sir, that during the Budget when the motion for the reduction of postal rates on postcards and envelopes comes up for discussion in the House, we generally pack up for returning home and at that time we have as a matter of fact very little energy to discuss the subjects at the far end of the Session. This year, Sir, before we came up, made up our minds to tell the Government to prepare the Budget according to the terms of this Resolution.

Then, Sir, my Honourable friend Dr Gour (now Sir Hari Singh Gour), the famous and redoubtable Member of this Assembly, and probably notorious to the Government, while exploring the subject, put questions Nos. 181 and 197 on the 5th February, 1924, why the postal rate for a letter from India to England is two annas while a letter from England to India costs only $1\frac{1}{2}$ annas. It is rather tantalising to appreciate the fallacy how the Government are right in asking the people from India to spend two annas while an English letter comes to India at a cost of $1\frac{1}{2}$ annas. But that is not the question before the House to-day. I have given the figures of income or profit of the Postal Department of every year and that is a sufficient reason why there should be a reduction of the inland postal rates for postcards and envelopes.

It is the duty of every civilised Government to afford facilities in the matter of communications and necessities of life and the Government of India, I hope, will provide the people of this country with the same at the cheapest rate. The Government must pay some attention to public feeling in this matter. No doubt, Sir, since the rates on postcards and envelopes were increased, the Government had an additional revenue of about Rs. 1½ crores. But then thereafter one-fifth of the postcards and one-fifth of the letters and envelopes have been reduced in sale from the post office list. On a comparison of the postcard figures of 1922-23 and 1921-22, and the figures of 1923-24, for which we have got actuals, and taking also the revised estimates of 1924-25 into consideration for postcards, it will be clear that postcards have fallen off in numbers from one million and one million and a half. Ordinarily, before 1921-22, if you take the figures for ten years, you will find that the total number of postcards had been steadily increasing, so much so that the average increase of the Postal Department, although there was no change in the taxation, came to 30 lakhs extra. But since 1922-23, when the rates on postcards and envelopes were doubled, it has steadily fallen except that now, taking all postal articles into consideration, there is an excess of 1 per cent. and odd only in postal articles ultimately. So, by reduction, you will increase the sale of the number of postcards and envelopes. And since it is a commercial department, you must give credit to it and allow reduction without any further delay. The sooner it is done, the better it is both for the people and the Government. Is that not so? (Laughter.)

[Mr. K. Ahmed.]

I hope, Sir, a very strong case has been made out and that the Government have no reply (Laughter)—I am waiting certainly if there is any—and I appeal to this House that each and every Member will vote in the same lobby remembering that the country, and each and every constituency that we have the honour to represent, is watching our activity here in the Assembly. We need not take into our consideration any telegram which Sir Bhupendra Nath Mitra has got in his hand from Unions—Labour Unions—of clerks and servants of the Postal Department as they do not understand anything on the subject except their own salaries (Laughter) which need not be reduced by the reduction of the postal rate. We have got an ample profit in the Post Office to pay their salaries. They need not be afraid of it, and need not trouble to seek the protection of the Government by sending telegrams to my Honourable friend in charge of the Department.

With these few words, Sir, I support the Resolution and commend it for the acceptance of the House.

Mr. K. O. Neogy (Dacca Division. Non-Muhammadan Rural): Sir, I am in sympathy with the underlying object of this Resolution, for although I do not know whether this House will be well advised to accept the Resolution as it stands, I think there will be a perfect unanimity of opinion that the postal rates should be reduced. Sir, declarations have before now been made in this House as to the policy which governs the administration of the Postal Department, and we have been told more than once that the Postal Department is looked upon by Government as a public utility department and that no consideration of revenue is allowed to interfere with the fixing of the postal rates. But, Sir, I think that although that policy is given expression to in this House by the Honourable Member in charge, the spirit in which that policy used to be worked in the past has been departed from in recent years. During the last three-quarters of a century the position taken up by Government has been that they would be prepared even to subsidise the Post Office, if need be, for the benefit of the public. Sir, we got declarations made by responsible Members of Government in 1856 and 1860 in which this has been only too clearly stated to be mistaken. But, Sir, what is the present declared policy? The present policy, as enunciated by the Honourable the Finance Member last year, is that the Postal Department must at least pay its way. I think that declaration was made also in the year previous by the Honourable Mr. Chatterjee who was then in charge of the Department. Here is certainly a departure so far as the spirit in which this policy is worked, is concerned. Sir, it is more a question of the spirit in which you interpret a policy than the letter of the declaration itself that matters in these questions. When in those early days of 1856 and 1860, responsible Ministers of Government made that declaration, they were anxious that the Post Office should function as an engine of civilisation. They were not at all troubled as to how far the revenue that they might derive from the Post Office might suffice to run that Department.

There is another aspect of the question to which reference has been made by my Honourable friend, Mr. Ahmad Ali Khan, and that is the amalgamation of the accounts on the postal side with the accounts on the telegraph side. The Honourable the Finance Member attempted to justify this, in connection with the last Budget, on the ground that there is

some amount of competition between the telegraph, the post and the telephone, and in that view of the matter he said that these three accounts could not be altogether separated. But, Sir, I know that whereas that principle of amalgamation holds good in regard to England, there is absolutely no competition between these three departments so far as India is concerned. Having regard to the vast rural areas of the country, where telegraphic facilities are not available or are not availed of to the extent that they are in the urban areas, having regard also to the little extent to which telephones are in use in the country, you cannot say that there is any real competition between the Postal Department on the one hand and the Telegraph and the Telephone Departments on the other. Therefore, it is that I demand that the postal accounts should be treated separately for the purpose of arriving at a decision as to whether there is any case made out for the reduction of postal rates. If you try to bring in the question of subsidising the Telegraph and the Telephone Departments out of the surplus that you have after working the Postal Department, then certainly a very grave wrong would be done to the tax-payer of this country.

There is a third matter in which I maintain that the Government are guilty of a breach of the understanding that used to be observed in these matters during the recent past. Sir, we have a system of commercialised accounts with regard to this department with effect from last year. One of the results of this system of commercial accounts has been to charge interest on the capital of the Posts, Telegraph and Telephone departments which was in past years contributed out of the revenue of that very department. The amount of interest stands in the neighbourhood of Rs. 60 lakhs, if not more. The Honourable the Finance Member justified this policy in the Public Accounts Committee. He said:

"The whole capital whether advanced out of capital or out of revenue is, so to speak, an advance from the tax-payer to the Post Office. It is liable for interest if we want commercialised accounts."

Sir, I think shopkeeping principles should not be allowed to interfere with the government of the country. I do not certainly object to commercialising our accounts so far as some of the departments of the Government are concerned, but that should not necessarily mean that you should be charging interest on capital which has been provided by the department itself out of its surplus revenue in past years. I do not care whether the Honourable the Finance Member considers that to be a correct principle of commercialisation of accounts. It may be in accordance with a very strict principle of commercialisation of accounts, but having regard to the circumstances of this country, and having regard to the enunciation of policies in the past that the Postal Department shall not be worked in a spirit of shopkeeping, may we not hope that the Honourable the Finance Member will forego this interest charge on the capital contributed by the Postal Department out of its revenue.

Sir, the next point which I want to refer to is with regard to the question as to how far a reduction in rates will influence the traffic of the Postal Department. I maintain that if you were to reduce the rates to a certain extent, it would be immediately reflected in a larger traffic which the Postal Department would have to handle, and that would mean an additional revenue and not necessarily a reduction in the revenue. I know that it is maintained by the department that traffic in the Postal Department depends not so much on the rates as on the condition of trade and

[Mr. K. C. Neogy.]

commerce in the country. On this point the Public Accounts Committee, which had to deal with the accounts of 1922-23, had the advantage of examining the then Director General of Post Offices. The question was put to him as to how far the income of the Postal Department depends upon the prosperity or depression of trade and how far it is influenced by the rates. The Director General tried to maintain that the traffic is influenced not so much by the rates as by the condition of trade. When we make a reference to the charts which are appended to the Annual Report of the Post and Telegraph Department we find that although packets and parcels are steadily going up in number, the traffic in letters and postcards has suffered a decline simultaneously with the raising of the rates. Certainly the number of packets and parcels handled has a good deal to do with the condition of trade and commerce in the country, and if we find that although traffic in these two departments has gone up steadily, that on letters and postcards has gone down or at least has not revived, then certainly we are entitled to argue that so far as postcards and letters are concerned, their traffic depends on the rates more than on the condition of commerce and trade in the country. When we had the Director General of Post Offices before us in the Public Accounts Committee, he took time to examine this question, and when he appeared before the Public Accounts Committee, a few days later, this is what he said. He was asked to give an idea of the effect of the increase of postal rates on postal traffic. Mr. Sams replied :

"I tried to get it but I am afraid I failed, chiefly because the statistics kept relate to articles delivered and not to articles issued. It would be extremely difficult, in fact almost impracticable, to have statistics as to articles issued. We can only do so in the case of articles delivered."

Then he said that he tried to compare an agricultural province like the Punjab with a trading province like Bombay, and said :

"If I had figures of issues we could perhaps say whether the traffic was due to the condition of trade or to rates. I cannot for the moment say how it can be tested and if anybody can suggest a method I should be only too happy to apply the test."

Then, further questions followed, and the Chairman, who was none other than the Honourable the Finance Member, said :

"We do not want to get into argument with the Director General as to how far it is due to trade or increased rates. What we asked him was whether he had any statistics which could throw light on it. His answer is 'I have not'."

Mr. Sams said :

"Yes. I cannot think of any test to see whether it is due to depression of trade or to the increased rates."

So, there the position stands, and I will not have the Honourable Member in charge stating to us to-day that the traffic in letters and postcards is influenced by the condition of trade and commerce in the country. Therefore, the remedies which I suggest, if we are to adopt this proposition or any other proposition that might be adopted as an amendment, are these. You must not charge interest on the capital which has been contributed by the department itself out of its revenues in the past. That would knock off something like 60 or 70 lakhs of rupees annually. Secondly, you must separate the postal accounts from the telegraph

accounts, for the purpose at least of judging whether your rates are justified so far as the Postal Department is concerned; and the third is that reduced rates will bring in increased traffic and compensate you to a large extent for the loss that might otherwise occur. With these words I have great pleasure in supporting the underlying principle of this Resolution.

Lala Duni Chand (Ambala Division: Non-Muhammadian): I rise to move the amendment that stands in my name, namely, that for the figure and word "9 pies" the figure and word "6 pies" be substituted, or in other words that the postal rate on envelopes should be reduced from one anna to half an anna. It appears to be quite unreasonable that while the postal rate on postcards should be reduced from 6 pies to 3 pies the postal rate on envelopes should continue to be 3 times the postal rate that is proposed on postcards. It is reasonable that postal rates on envelopes should be reduced in the same proportion in which the postal rates are proposed to be reduced on postcards. I understand we have got a better financial prospect. Though I am not in the know of the Honourable the Finance Member, I have good reasons to believe that the finances of the country this year are much better or likely to be much better than last year. When the finances of the country are such that the Government can afford to give relief the Government should grant the relief which will beneficially affect the largest number of people. If the postal rates are reduced to the previous level this will benefit all classes of people, the richest and the poorest. The Government should bear in mind the principle of doing good to the largest number of people. Last

12 Noon year also in the course of the budget demands I had raised this question. My motion was defeated by a small margin of votes then and I have every hope that this motion will not share the same fate that it did last year. I am more hopeful for the reason that even Mr. K. Ahmed has come forward to support this Resolution. It is really an act of self-sacrifice on his part in denying himself the pleasure of indulging in frequent interruptions on popular Resolutions as he generally does. The Honourable Member in charge last year in the course of the discussion stated that the postal rates in England are one anna on postcards and an anna and a half on letters. I take that to be a fact and if it is a fact I want to submit that comparatively the postal rates charged on letters and postcards in India are much higher than the postal rates in England. Why do I say this? I say it because the average income of an Englishman is far greater than that of an Indian in this country. I cannot give the exact figure, but probably it is as much as twenty times. I therefore say that from the point of view of this criterion the demand that has been made in my amendment is a very moderate demand. The masses of this country for very many years had enjoyed the payment of moderate postal rates on envelopes and postcards and they are very anxious that the same facilities and privileges should be restored to them again. It will be an act of bare justice on the part of the Government towards a large number of people if this Resolution is carried out by the Government as modified by my amendment. I cannot possibly think of any cogent argument that can be advanced on the side of the Government to oppose this Resolution. When there was financial stringency there was some justification for the Government in enhancing the postal rates. But now I understand the Government are not confronted with any financial stringency and therefore it becomes a bare act of justice that the people should be afforded this relief. With these words, Sir, I support this Resolution as modified by my amendment.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadian Rural): Sir, I desire to move the amendment:

"That all the words after the words 'reduced to three pies' be omitted."

In other words I desire if possible to-day to confine our attention to the rate on postcards to the exclusion of the rate upon other postage; and I do so not because I am less keen than my friends upon other postage but that I am far more keen on the matter of the postcard. I have also another object in view, namely, to test if possible whether we can get the Government to be reasonable even on what we may call the very barest and minimum demand from this side. We want the postcard rate to be reduced; we want the rest of the postage also to be reduced and nobody will be gladder than myself if the Resolution as amended by my friend Lala Duni Chand can be accepted by the Government Benches. It will be I believe very right and very desirable if we can go back to the old rates, both on postcards and letters and so forth. It has been already pointed out how in 1921 it was necessary in a general way to raise the taxation on many things and postage also came into this scheme of a general rise in taxation. There was also some attempt made at retrenchment in various ways in order to bring the finances of the country into stability. That is the genesis of the rise in postage rates. Now that we have returned to normal conditions the many considerations that induced our predecessors four years ago to raise various items of taxation have not the same force to-day as they perhaps had then. The reduction of the salt tax from Rs. 2-8-0 to Rs. 1-4-0 was perhaps the first step in the right direction. It has to be followed by a reduction in the postage rates and a very large reduction in railway fares also. Now, some statistics have already been given and I believe the contention is on the whole right that after the rates on postcards and other items of postage were raised there was a fall in the general traffic. It is a pity that I am not able to get the detailed figures; and I may take this opportunity therefore to suggest the desirability of furnishing in the annual reports some detailed figures, such as, for instance, the amount realized every year on postcards, postal stamps, service stamps, money order commissions, parcels and so forth. I took some little pains to turn over the pages of what is called Appendix A, given along with the general Postal Budget at the time of the Budget, but all the various items are put in together under the head of "receipts", receipts from all kinds of postal work, and it is very difficult for a layman like me to make out what exactly has been the amount realized on any one of these various items. It would be desirable hereafter to furnish this information under the various heads, how much has been received on postcards, how much on postal stamps, on service stamps, money order commission and things of that kind. That would help us much better to deal with each item, because very often the cheap criticism is hurled at us from the other side that our statistics are not always correct. So I would suggest that these various items may be given in greater detail so as to help us. Now with regard to the statistics gained from the facts and figures we have at our disposal it has been well contended that it is the Telegraph Department that is the white elephant which eats away whatever savings the Postal Department is able to make. We have the right in this House to claim that we should get over this anomaly of paying the Telegraph Department from the savings from the Post Offices. I am aware, Sir, when we deal with this question and when we try to press upon the Government this great need of the reduction in postage,

what arguments will be advanced against us. Firstly will come this argument, "We must make both ends meet; we must make the post office commercial. We must see that we are able to meet the expenditure that will have to be incurred upon the Postal Department." And I know also—and in fact the past two or three days I have been flooded as I have no doubt that every Member of this House has been flooded, with telegrams from every post office in the country saying that the postal employees here, there and everywhere are greatly disappointed—that this would be advanced. The postal employees feel it as a very great injustice done to them. They have been long expecting very large satisfaction of their grievances. They think that their grievances stand to-day not redressed and they add that in certain respects the proposals that are likely to come at budget time are likely to be of a very retrograde character. I have received shoals of these telegrams and I am sure other Members have also received similar telegrams. This would be adduced against us from the opposite side. Here you want postal rates reduced and postal employees want their salaries increased. They want very many improvements in their lot. How can we meet both? How can we with one hand reduce postage and with the other increase the expenditure on the Postal Department? That I expect will be the argument that will be advanced against us. I am trying to put the argument of the other side and meet it. I am ready to meet it. I will just ask the Government if only they have the will whether they cannot meet both? Whenever they have the will they do find lakhs and lakhs for the benefit of whom? Not of the low-paid postal peons and sorters and men of that kind, but of the highest officers of the Government. They find lakhs and lakhs when they want to find the money. Only yesterday they came to us for Rs. 37 lakhs for the benefit of 400 or 500 very highly paid railway employees; for the benefit of 400 or 500 superior officers in the Railway Department they wanted Rs. 37 lakhs yesterday, and I dare say that even though this House has rejected it, the Government—the autocratic Government that we have in this country—will find the money. That is my reply to the argument of no money. When you want it, it is not one or two lakhs but many lakhs that you are able to find. If we reduce postage from 6 to 3 pies,—I shall meet the argument for the benefit of the other side—you may have to make up Rs. 50 or Rs. 60 lakhs. You cannot terrify us with this question of how to find Rs. 60 lakhs until you tell us whether you are justified in coming to this House and asking for Rs. 37 lakhs for a few superior railway employees and in finding perhaps Rs. 2 crores altogether for the concessions recommended by the Lee Commission. You can find Rs. 2 crores for the benefit of these few men who draw Rs. 2,000, Rs. 2,500, Rs. 3,000 or Rs. 4,000. You can find crores and crores and lakhs and lakhs when you want. But when we come to the question of giving relief to poor men, you cannot find Rs. 60 lakhs. That is my reply. This argument is advanced by those who *will not* move in the matter. If the Government have the mind, if they have the will, they know how to find the money. It is not for me, it is not for my friends on this side, to find the money, because we have not got the control over the purse. If you put the Finance Department in the hands of one of my friends here, Mr. Neogy or Mr. Rangaswami Iyengar, I daresay they will be able so to manipulate the figures as to show enough savings not only to meet the reduction in postage from 6 to 3 pies but also to meet every other item in which the people are interested. But you keep it all in your hands. You keep it all safely under lock and key. You say "Point out

[Mr. M. K. Acharya.]

the sources from which we could find money in order to meet this reduction." That is absolutely unfair. The very fact that you do find money when you want it shows that you can find the money for this also if you have the mind. When you want the money, any amount of money is forthcoming, money then flows like the floods in the Jumna when the ice melts on the Himalayas. When it is a question of our wanting the money for poor people, you say there is no money. Railways have been making huge profits and yet the Railways will not reduce third class fares by more than half a pie. In my province they have reduced by $\frac{1}{2}$ pie the rate for third class passengers, $\frac{1}{2}$ pie, a very magnificent sum. When we come to a reduction in the postal rates, from 6 to 3 pies, Government say they are very poor and cannot afford it. This is mere hypocrisy. To say that you can find any number of lakhs where bigger men, richer men, superior service men are concerned, but that you cannot find Rs. 60 lakhs for the sake of the poor men in my country who want the rate on postcards reduced to 3 pies is mere hypocrisy, and therefore that argument cannot stand for a moment. I will take up the next point also. What about the men who are grumbling for more salary? If really it comes to this alternative, either to have 3 pies rate for postcards, or to give these men the increase in salary which they ask for, even at the risk of not giving those men the increases and the relief that they deserve if it is an absolute necessity for us to choose one of the two alternatives, I would rather ask the men to wait for a little time longer to have their increases rather than say that the poor man shall not have his quarter anna postage. As my friend rightly says, cheaper postage may mean very much larger traffic and possibly we shall not have the very large decrease that we fear. In any case therefore these two arguments first, that the postal people are very anxious to get their salaries increased and therefore postage cannot be reduced and secondly that there will be still further huge deficits, these are merely sham arguments so far as we on this side can see. They are not arguments worth a moment's thought. That is exactly the great difficulty that troubles us, the obstinacy of the opposite benches. I know that when I am moving this amendment I have to speak with the full conviction that I am appealing to deaf ears. I know I am appealing to Benches which are not reasonable except when they want to be reasonable. They claim to be all-wise; they claim to be all-sympathetic. The last claim is absolute bunkum. Sympathy on the side of the Government towards the poor people of this country is hypocrisy in my humble opinion. I have therefore thought it right to press the minimum demand. I have already stated that I will certainly vote for the amendment of my friend Lala Duni Chand. If the House will pass that amendment, nobody will be more glad than I. But I want this at least that postcards must be reduced to 3 pies. When you find ample money to give to highly paid men, it is ample proof that the money is there to be found for this purpose if only you have the will. I am moving this amendment not because I expect anything will be done by the opposite side; I only want to test their sympathy, I want to test if they really have the sympathy of which they talk so very grandly on grand occasions, as especially people do who are not liable to criticism on the floor of this House. I want to put their sympathy to the test, and I therefore move this amendment that all the other words be omitted, so that on this small question of the rate on postcards being reduced to 3 pies, I would like to see whether the opposite Benches are really reasonable and

sympathetic, whether they are the very good men that they always claim to be. Sir, I move my amendment.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam: Non-Muham-madan Rural): Sir, the amendment which stands in my name was put in to test the sincerity of the Government. On all occasions whenever we suggest the reduction of taxation on communications, they plead want of funds or they say that they cannot afford to lose revenue. My amendment, taking it separately, would not cause any loss of revenue at all but only an equitable adjustment of taxation. The suggestion which I have made is not a novel one; it has been made from the year 1921. It is that revenue will not be lost if only there be adjustment of taxation in the matter of letter postage. And what was suggested was to reduce one anna to 9 pies on letters weighing 1 tola and to keep 18 pies up to 2½ tolas. If there be two-thirds of letters weighing one tola and one-third weighing above, there would be absolutely no loss of revenue. Now, I ask, taking it separately, are the Government prepared to examine this question and to see whether they could possibly reduce one anna to 9 pies and increase it to 18 pies in case of letters weighing up to 2½ tolas, so that there may be no loss of revenue and there may be some relief to the tax-payer. It is generally said, Sir, that after all you are paying only half an anna for postcards. If that were so, how do you account for the fall in postcards to the extent of 110 millions? Is it not because the people cannot afford to pay even that half an anna that the number of postcards was reduced by 110 millions? Similarly, how do you account for the shortage of 85 million letters on account of this higher rate? If the people are rich enough why should they not communicate in the same way in which they have been doing in the past? We do not find the same increase in the later years that we used to notice in previous years, leaving out the years 1920 and 1921. The Government should look into this matter with a more sympathetic eye. It is true that, when we raise the question of attending to the grievances of the postal officials, the Government say that on the one hand you ask for the reduction of the rates and on the other you ask for an increase of salaries of the officials. It is true, Sir, that whenever a legitimate grievance is placed before us by these officials, we try to give them relief. As a matter of fact,—and I do not think it is a secret because it has been circulated to all the Members—the Finance Committee have agreed to increase the salaries to the extent of 18½ lakhs over and above the ordinary expenditure to meet certain grievances of the staff and they have done it most ungrudgingly. Now, we ask whether it is not possible, instead of finding out some method or other to utilise every available surplus on some pretext, to do something to utilise that amount for the reduction of taxation in one respect or another. I shall just refer to one of the statements made in the latest Annual Report of Posts and Telegraphs for the year 1924-25. It says:

“The financial position showed a surplus of 19 lakhs as compared with the surplus of 35 lakhs during the preceding year. This smaller surplus is accounted for chiefly by the fact that the civil department share of the sale of postage stamps was raised from 19 lakhs in the preceding year to 47 lakhs in the year under report.”

I humbly ask how these 19 lakhs were raised to 47 lakhs in order to reduce the surplus? After all there must be some reason why a smaller amount was only calculated as the revenue from stamps. We have not

[Mr. B. Venkatapatiraju.]

got the figures for the later years. Perhaps they might have increased by much more. We apprehend that the Government do not wish to show any decent surplus under this head because they fear that we would demand further reduction of taxation. I ask Government, therefore, to say definitely whether they could not make any proposal in order to reduce the taxation on communications. I may just remind the House that when they increased the tax on postal rates they promised to reduce it on a suitable occasion when the finances permitted them to do so. Now, I ask, are they going to wait for another 10 years before they are in a position to reduce the taxation? But from what I know of the attitude of the Government, they do not propose to reduce this taxation at all. If that is their attitude, why not say once for all openly on the floor of the House that whatever be the circumstances, we shall never reduce the tax because it is so very handy and because the amount available will be so useful in so many directions. It has already been pointed out by Mr. Neogy that Government want to take interest on the amount spent from their revenues. Why should you take it? Why should you increase it with reference to stamp revenue from stamp revenue for postal purposes and why should you not reduce the expenditure not by reducing the pay of the lower staff but of the higher staff if possible? There are a hundred and one ways of meeting the wish of the people to reduce the tax on communications. I wish therefore that the Government should not only pay lip sympathy by saying that they are sympathetic towards the people but that they should show a genuine sympathy by reducing the tax in one way or another. It is with that object, Sir, that I move my amendment. My amendment does not in any way enhance the trouble of the Government, but it only suggests the equitable adjustment of taxation on communications. My amendment runs as follows:

"That after the words and figures 'envelopes to 9 pies' the words and figures 'when weighing one tola and 18 pies over one tola up to 2½ tolas' be inserted."

Mr. Chaman Lall (West Punjab: Non-Muhammadian): Sir, I notice that my friends Messrs. Acharya and Raju want to test the sympathy of this Government. (*Some Honourable Members*: "Sincerity of the Government.") I want to test the sympathy and the sincerity of the Honourable the Mover of this Resolution. (Hear, hear.) Now, Sir, I want to say at the outset that we are in entire sympathy with the desire to reduce postal rates. Every one of us who sits on these Benches is in entire agreement with that desire. But, Sir, what is the position? Last year, when the Finance Bill was under discussion, my friend Lala Duni Chand raised this question and he made a very nice little speech as a result of which many of us were convinced and we voted with him. But where was my friend Mr. Ahmad Ali Khan? You will find that amongst those who voted for Lala Duni Chand's amendment were the Swarajists and the Independents and amongst those who voted against it is the name of Mr. Ahmad Ali Khan. And what was the amendment? It ran as follows:

"That in Schedule II to the Bill, for the entries under the head 'postcards' the following be substituted, namely:

'Single

Quarter of an anna.

Reply

Half an anna.'"

That was a demand made by Honourable Members on this side of the House for a reduction in postal rates—and what was Mr. Ahmad Ali Khan doing at that time? He actually voted against us then. (*Some Honourable Members*: "He has grown wiser since.") I am going to give the reason why he has grown wiser since. It was my friend Mr. K. Ahmed who very pertinently let the cat out of the bag when he said that each and every constituency regards this question as of great importance. Of course each and every constituency regards this question as of great importance. No constituency it would appear regarded this question as of importance last year or the year before. But this matter is to-day of grave importance to every constituency.

Mr. K. Ahmed: He did not regard this as a matter of importance last year because provincial contributions, education, health and sanitation were at stake. (Laughter).

Mr. Ohaman Lall: My Honourable friend will be on safer ground if he discusses education and sanitation than if he discusses postal rates, because I fear he is treading on very delicate ground in this matter. (Laughter.) Now, Sir, in 1924 when the Finance Bill came up for discussion Honourable Members will remember that this very matter was raised in the House and it was pointed out that the question of reduction could be raised on the Finance Bill. When the voting took place, where was my friend Mr. Ahmad Ali Khan? He was found not to be in favour of this proposition which he has brought forward to-day but against it. I want, therefore, as I said in the beginning, to test his sincerity and his sympathy.

Mr. Ahmad Ali Khan: I rise on a point of personal explanation, Sir. I voted against the reduction of postal rates in 1924 because there were other questions before the House. For instar 2, the reduction of the salt duty was more important and urgent in my opinion than the reduction in postal rates.

Mr. Ohaman Lall: Sir, the Honourable Member's memory is failing. May I remind him to read the volume of debates relating to this matter?

Mr. K. Ahmed: There is no time to read here.

Mr. Ohaman Lall: Perhaps if the Honourable Member had had time to read, he would not have got up and made a speech to-day. (Laughter.) If he will read that particular amendment moved by Lala Duni Chand, he will find that that amendment was separate and asked for a reduction in the rates charged for postcards. Mr. Ahmad Ali Khan opposed that. He cannot come to us now and sing a different song. (*An Honourable Member*: "Why not?") The point is that he cannot come to us now and say that there was any question of the salt duty involved in this. There was no question of the salt duty. It was separate and by itself, and the Honourable Member, in spite of knowing perfectly well the feeling in the country in regard to this matter, voted against that particular proposition. Whatever it might be I now appeal to Honourable Members . . .

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Postal accounts are commercialised now.

Mr. President: Order, order.

Mr. Chaman Lal: The Honourable Member interrupts me and knows perfectly well that his interruption is absolutely irrelevant. I wish to appeal to Honourable Members to realise that we are going to discuss this very matter in a few days at the time of the Budget, and consequently, why, I ask, should we waste the time of the House in discussing this proposition now when in a few days we shall be discussing it again? Then will be the time to find out

Mr. K. Ahmed: Sir, I rise to a point of order. Is it not said already that at the fag end of the Session people are tired and are busy packing up their luggage in order to return home? And like last year provincial contributions

Mr. President: Order, order. Will the Honourable Member resume his seat?

Mr. Chaman Lal: The time is not far when Honourable Members will have an opportunity of discussing this proposition. Why cannot Honourable Members wait till then? I appeal to Honourable Members to realise that though this matter is really urgent and important, still it is not so urgent and important that it cannot wait for a few days. When that time arrives when the Budget is being discussed, then the Honourable the Mover of this Resolution can take his stand with us. He can then come into the same lobby with us and vote with us and not against us as he did in 1924 and again in 1925, in spite of the declared wishes of the people of this country. I move, Sir, that this debate be adjourned.

Mr. President: Does the Honourable Member move that the further discussion of this Resolution be adjourned?

Mr. Chaman Lal: Yes, I move that the discussion of this debate be adjourned.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, as has been pointed out by several of my friends, we discussed this matter very fully on the floor of this House just about twelve months ago, and the House decided by a majority that no reduction should be made in postal rates.

I have listened to all that has been said by the speakers who have spoken before me, and I am sorry I have not heard any new arguments justifying a reconsideration of this matter.

Mr. K. Ahmed: You have put cotton in your ears.

An Honourable Member: Is the Honourable Member speaking on the adjournment motion?

Mr. President: As soon as the Honourable Member has concluded his remarks, the Chair will put the adjournment motion to the vote.

The Honourable Sir Bhupendra Nath Mitra: If it is your intention to put before the House the motion for adjournment, it is hardly necessary for me to make any long speech, because if this motion is to be discussed again in connection with the Budget, it would be better for me to reserve my remarks for that occasion.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muham-
madan Rural): It might help the House if we were to know what you are
going to do.

The Honourable Sir Bhupendra Nath Mitra: If the House does not
accept the motion, may I not speak then? I submit I will be wasting a
good deal of time of the House if I speak now.

Mr. President: The question is:

"That the further discussion of this Resolution be adjourned."

The Assembly divided.

AYES—39.

Acharya, Mr. M. K.
Ariff, Mr. Yacoub C.
Bray, Sir Denys.
Carey, Sir Willoughby.
Chaman Lall, Mr.
Chetty, Mr. R. K. Shanmukham.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghose, Mr. S. C.
Ghulam Abbas, Sayyad.
Gidney, Lieut.-Colonel H. A. J.
Gulab Singh, Sardar.
Hussanally, Khan Bahadur W. M.
Iyengar, Mr. A. Rangaswami.
Lajpat Rai, Lala.
Lohokare, Dr. K. G.
Majid Baksh, Syed.

Mehta, Mr. Jamnadas M.
Murtuza Sahib Bahadur, Maulvi
Sayad.
Mutalik, Sardar V. N.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Piyare Lal, Lala.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Roffey, Mr. E. S.
Sadiq Hasan, Mr. S.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan
Bahadur.
Sinha, Mr. Ambika Prasad.
Sinha, Mr. Devaki Prasad.
Sykes, Mr. E. F.
Yakub, Maulvi Muhammad.

NOES—45.

Abdul Qaiyum, Nawab Sir Sah bzada.
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Ahmed, Mr. K.
Aiyangar, Mr. K. Rama.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Alimuzzaman Chowdhry, Khan
Bahadur.
Badi-uz-Zaman, Maulvi.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Burdon, Mr. E.
Calvert, Mr. H.
Chanda, Mr. Kamini Kumar.
Dalal, Sardar B. A.
Datta, Dr. S. K.
Donovan, Mr. J. T.
Ghulam Bari, Khan Bahadur.
Gordon, Mr. R. G.
Graham, Mr. L.
Heslett, Mr. J.
Hira Singh Brar, Sardar Bahadur
Captain.
Hudson, Mr. W. F.

Ismail Khan, Mr.
Jatar, Mr. K. S.
Jeelani, Haji S. A. K.
Joshi, Mr. N. M.
Kidwai, Shaikh Mushur Hosain.
Lloyd, Mr. A. H.
Macphail, Rev. Dr. E. M.
Muhammad Ismail, Khan Bahadur
Saiyid.
Naidu, Rao Bahadur M. C.
Neave, Mr. E. R.
Owens, Lieut.-Col. F. C.
Rahman, Khan Bahadur A.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Reddi, Mr. K. Venkataramana.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stanvon, Colonel Sir Henry.
Tonkinson, Mr. H.
Vernon, Mr. H. A. B.
Vijayaraghavacharyar, Sir T.
Wajihuddin, Haji.

The motion was negatived.

The Honourable Sir Bhupendra Nath Mitra: Sir, just about 12 months ago this House had before it the question of a reduction in the postal rates in connection with the Finance Bill for the current year and it decided by a majority not to make any reduction in those rates. So far as I am aware, since then no new factors have arisen which would justify a reconsideration of the question and I have failed to find any new arguments produced before this House by the various speakers who have preceded me.

Now, Sir, one of the arguments which is generally used in this connection is that we are taxing communications. I definitely repudiate that statement. My friend Mr. Neogy said that years ago we used to spend money on postal communications without caring whether there was an adequate return for it. I think he will admit that we used to do the same in connection with railways. We used to run our railways also at a loss and did not mind it. There is a perfectly good explanation for this. In those olden days it was essential to develop communications and the Government of the day placed that need in a higher order of precedence to questions of development of education, sanitation, etc., in the country. But things have now changed. Communications have been established, to a certain extent at least. On the other hand, the need for promoting education and sanitation and building up the nation-building services has become more urgent. I repeat again, Sir, that this is not a question of taxing communications

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): What is it?

The Honourable Sir Bhupendra Nath Mitra: It is a question of making an adequate charge for services which the Indian Postal and Telegraph Department renders to the public. In fact, we have several times said on the floor of this House that it is not the policy of the Government that the Indian Postal and Telegraph Department should be a revenue-producing department.

Khan Bahadur W. M. Hussanally: Why do you couple up the two?

The Honourable Sir Bhupendra Nath Mitra: I am coming to that presently if my friend will wait a bit. Our policy is that, taken as a whole, that Department should not be receiving, carrying and delivering the letters and mails and telegrams of the Indian people at the expense of the general tax-payer. In other words our aim is that an adequate charge should be made to the public for the cost of the various services undertaken by the Department for the public. Well, the same principle is accepted in England and I trust that the House, or at least several Members of it, will continue to express the admiration which they expressed yesterday for English principles.

Lala Lajpat Rai (Jullundur Division: Non-Muhammadan): The principle of pick and choose.

An Honourable Member: They have reduced rates.

The Honourable Sir Bhupendra Nath Mitra: They have not up to now.

I know that some of the speakers who preceded me even went so far as to question the *bona fides* of our accounts. I have heard it stated that sufficient credit is not given to the Indian Postal and Telegraph Department for various services undertaken by it for other Departments. I have also heard that there is an overcharge made to the Department in regard to certain items of expenditure, the whole object being, so to say, to reduce

its surplus or to disperse it. Mr. Neogy referred to the charge for interest on debt and he brought out the point as to why interest should be charged on expenditure incurred out of revenue. Now, Sir, the capital on which we charge interest to the Department is the depreciated value of the block account on the 1st April 1925, and what we are doing has the approval of the Inchcape Committee. It has also the approval of our Auditor General. It may be that years ago the Department used to produce some surplus, but even that is not an ascertained fact because the accounts of the Department in those days were kept on a different basis altogether. Further, if there was any such surplus, well it went to benefit the tax-payer of the day, who was justly entitled to it, and that is how it was disposed of.

Now another point, that was raised, I think, by my Honourable friend Mr. Raju, is that we have suddenly developed the practice of making larger payments to Provincial Governments for their share of revenue from unified stamps which are used both for postal and revenue purposes, and that that practice also was started to disperse the surplus of the Postal Department. Now, Sir, the amount which used to be paid to Provincial Governments on account of their share of the combined revenue stood at about 19 lakhs to the end of 1923-24. But that figure was fixed as far back as 1906. In 1923 the Provincial Governments represented that they had not been receiving their share of the large growth in the combined revenue which had been taking place since 1906, and further that as a result of the existing arrangement they were not even getting the benefit of the increase made in 1923 in the rates of stamp duty on certain classes of documents, in so far as the duties were paid through these unified stamps. It was after a very careful examination of the position that this additional credit had to be afforded to Provincial Governments. There is no question, so to say, of dispersing any portion of the postal surplus.

In fact, as an instance of the extent to which interested people may go in their efforts to try to prove that we are manipulating the accounts in such a manner as to disperse the postal surplus, I may mention that I have seen it stated that we do not give the Department credit for the difference between the interest on the balances held in the Postal Savings Banks and the amount actually paid to depositors in the Post Offices. The people who use this argument overlook the fact that these savings bank balances are largely in the nature of till money and that where they can be looked upon as fixed deposit, interest is paid to the depositors themselves. The Department has a large number of post offices spread all over the country and naturally requires a considerable amount of till money for its day to day operations, and we do not charge the Department with any interest on this working capital.

We have also been told that the result of our looking upon the Department as a whole in the matter of the application of the policy to which I referred a little earlier is that the postal branch of the Department is subsidising the telegraph and connected branches and that we are robbing the poor people who are contributing to the postal surplus in order to benefit the rich who take advantage of the telegraph and connected services. There is no doubt that there is some surplus in the postal branch. (Sir Hari Singh Gour: "How much?") I am coming to it presently. It is not large enough to meet the cost of even the least expensive proposal now before the House. But our view is that the various services rendered by the Department are so intimately connected with one another that we must look upon it as a whole and not deal with it in its several compartments. The telegraph, telephone and radio services only

[Sir Bhupendra Nath Mitra.]

provide for a more expeditious method of communication than the postal service. It is hardly correct to say that the surplus in the postal branch is contributed to by the poor man. As has been pointed out by Sir Geoffrey Clarke several times on the floor of this House, our rural post offices do not pay. According to the figures placed by him before this House, the rural post office brings us Rs. 15 or Rs. 20 a month, but it costs us at the present day Rs. 24 or Rs. 25 a month to pay the postmaster and runner for that post office, apart from the connected charges relating to the conveyance of the mails and their delivery at the other end, overhead expenses, etc. The surplus in the postal branch must therefore be contributed largely by men living in the big cities and urban areas who are the very people interested in the telegraph and connected services. Further, as was pointed out by the Accountant-General in his Appropriation Report for the accounts of 1923-24, the deficit in the telegraph and connected branches is largely due to concessional rates for press telegrams. The concession helps to foster the growth and circulation of newspapers and it tends to bring additional revenue to the Post Office. It also helps the diffusion of knowledge among the rich and poor alike. Moreover there can be little doubt that rich and poor alike are interested in the development of these expeditious methods of communication, for they help materially the development of the country which benefits the poor man also by providing him with avenues of employment and by enabling him to raise his standard of living.

Now, Sir, I have dealt with some of the general considerations. I shall not dwell at length at the present moment on questions of further economy, because it is possible that I may have to deal with the matter at a later stage. I may, however, say this definitely, that we have in fact given effect to all the Inchcape Committee's "cuts". In the Budget for 1923-24 we brought down the estimate of working expenses to the level of the figure recommended by the Inchcape Committee. I am taking the whole thing together. Since then there has been an increase of expenditure. That is obvious because there has been a growth in the revenue, and the point is this: We have reached a stage where, taking the Department as a whole, all these rates just suffice to pay for the cost of the services rendered. It is not an economic proposition now to reduce the rates. If we make any reduction, the result will be that we will not receive adequate return for the services which the Department renders. The same is the position in England. There, successive Governments,—Conservative, Labour and Conservative—have refused to accede to the demand for a reduction in the postal rates back to the pre-war level, though they are in a much more favourable position than we are, because their surplus in the combined account amounts to several millions, while our Budget for 1925-26 showed a small deficit in the combined account.

Sardar V. N. Mutalik (Gujarat and Deccan Sardars and Inamdars: Landholders): Has there been absolutely no reduction in England in the postal rates?

The Honourable Sir Bhupendra Nath Mitra: No, Sir; they have not yet gone back to the penny postage.

Sardar V. N. Mutalik: They may not have gone back to the penny postage, but has there been absolutely no reduction at all?

The Honourable Sir Bhupendra Nath Mitra: Nothing important in the last two or three years.

Mr. A. Rangaswami Iyengar: May I know whether there were not certain proposals before the Chancellor of the Exchequer for the reduction of postage?

The Honourable Sir Bhupendra Nath Mitra: He may have been pressed for a reduction, but nothing has come out of it so far.

Mr. A. Rangaswami Iyengar: Did he not promise to reduce the postage?

The Honourable Sir Bhupendra Nath Mitra: I have no information on the subject, Sir. I know that reductions have not been made.

Now, Sir, I shall proceed to examine the specific proposals which the House has got before it. The first proposal is to reduce the ^{1 P.M.} postal rates on postcards from 6 pies to 3 pies. Now, various estimates have been given of the loss which this measure will involve, but I will give the estimate as I have been able to work it out. The number of inland postcards posted in the current year is estimated at 550 millions. The loss of revenue on this volume of traffic will amount to 86 lakhs. That is a definite fact.

Mr. N. M. Joshi (Nominated: Labour Interests): Traffic will be increased.

The Honourable Sir Bhupendra Nath Mitra: Please be a little patient, I shall come to it presently.

Another proposal before us is to reduce the postal rate on envelopes from one anna to 9 pies. The present rate is one anna up to a weight not exceeding $2\frac{1}{2}$ tolas and one anna for every additional $2\frac{1}{2}$ tolas. If the intention of my Honourable friend Mr. Ahmad Ali Khan is to reduce one anna in each case to 9 pies, the loss of revenue on 545 millions of articles that are likely to be carried in the current year would amount to 85 lakhs of rupees.

Mr. K. Ahmed: There will be a larger sale then.

The Honourable Sir Bhupendra Nath Mitra: I shall deal with that matter presently.

My friend, Lala Duni Chand, wants to reduce the postal rate on envelopes from one anna to six pies. If his intention is as just stated, the loss of revenue involved in his proposal will be Rs. 170 lakhs.

Then my friend Mr. Venkatapatiraju comes forward with a proposal to reduce the postal rate on envelopes from one anna to 9 pies up to a weight not exceeding one tola, and raise it from one anna to 18 pies for weights exceeding one tola but not exceeding $2\frac{1}{2}$ tolas. At the present day, letters weighing not more than a tola are about 65 per cent. of the total, that is, they amount to 354 millions. The loss of revenue on this would amount to 55 lakhs of rupees. This is the estimate of the loss on the assumption that on the reduction of the postal rate on letters weighing not more than a tola the proportion of such articles to the total volume of letters would continue at 65 per cent. But we have got to remember that whatever the initial weight of the postal article is, the public will accommodate themselves to it immediately, and if we reduce the initial weight of letters to one tola, we will find that in the course of one month 80 per cent. of the

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letters would come within that initial weight. This is a proved postal fact all over the world. The loss of revenue which will result from the reduction of the initial weight and the rate of postage for that weight will, therefore, be nearer 70 lakhs than 55 lakhs.

Then in regard to the question of revenue which will result by raising to 18 pies the rate on letters weighing more than one tola but not more than 2½ tolas, it has not been possible for me to collect in the course of three days accurate statistics for letters coming within these limits. Assuming, however, that with the changes proposed in the initial weight and in the rate of postage for that weight the proportion of such letters will be about 10 per cent. of the total carried, the gain in revenue will amount to about 17 lakhs.

I shall now sum up the result of the various proposals. My friend Mr. Ahmad Ali Khan's proposal is to reduce the postal rate on postcards from 6 pies to 3 pies, and to reduce the postal rate on envelopes from one anna to 9 pies. These two together will mean a loss of revenue amounting to one crore 71 lakhs.

Lala Duni Chand: From where have you taken these figures?

The Honourable Sir Bhupendra Nath Mitra: I have been explaining the figures all this time. There is only one further aspect of the case to which I shall come after I have given all the figures.

My Honourable friend, Lala Duni Chand, wants the postage on postcards reduced from six pies to three pies and that on envelopes from one anna to six pies. The loss of revenue involved in this reduction would be Rs. 256 lakhs.

We next come to the third proposal, that of my Honourable friend, Mr. Acharya. He is very modest and wants us to reduce only the postage on postcards. That will cost us Rs. 86 lakhs.

Lastly my Honourable friend Mr. Raju's proposal with its various implications will cost us Rs. 139 lakhs a year.

I have given you the figures and now I shall refer to another aspect of the matter. Many of my Honourable friends here have said that if we reduce the rates the traffic will go up. I entirely agree that the traffic will go up. But is it seriously contended that it will be possible to deal with that additional traffic with the staff that is there at present? No, Sir. The point is this. I admit that there will be a large increase in the traffic, but that additional traffic will be wholly unremunerative and it will go to add to the figures of loss that I have given already to the House. My friends do not certainly seriously urge that the traffic can be increased 10 per cent. or 20 per cent., or whatever it may be, and it can still be handled with the present amount of expenditure. Leave aside the additional amount that we will have to pay to railway companies, steamship companies, etc., for the conveyance of the additional mails. But what about the staff? Is it seriously urged that we should sweat the staff? I refuse to be a party to any desire to sweat the staff. No, Sir. I am one of those who feel,—I may be entirely wrong,—that if we had any small surplus on the postal side we must first try to set right the various disadvantages under which the staff at present labour. I am grateful to my Honourable friend, Mr. Jinnah, for having more or less forced me last year to look into the grievances of the staff. I have been looking into them for the last six months

and though the minimum demands of the staff are in my opinion a gross exaggeration, there is behind that exaggeration a substratum of genuine grievances which I am trying my best to remedy. I hope there will be no question of any reduction in the postal rates until we have set our house in order. When we have reached that position it may be possible to consider the question of reduction of postal rates. I cannot do better than repeat the words of Sir Geoffrey Clarke last year when he said that the name of the Post Office in India stands high all over the world. These may not be the exact words he used, but that is the substance of what he said. Let us not do anything which will in any way bring down that reputation. I have heard talk about the reduction of the supervisory establishments. I hope the House has not forgotten what Sir Geoffrey said in that connection. I cannot agree to any measure of short-sighted and fictitious economy which will ruin the efficiency of the Department. That being so, and in view of the loss of large sums of money which I have already referred to, it is impossible for me within the finances of the Department itself to agree to any reduction in postal rates. Whether it is possible to make any such reduction by giving a large subsidy from other sources, that is, by the general tax-payer coming to the help of the Postal and Telegraph Department, is a matter which I shall leave to my Honourable Colleague the Finance Member, as I do not want to encroach on the realms over which he rules.

(Mr. K. Rama Aiyangar and several other Honourable Members rose in their places.)

Mr. President: Does the Honourable Member want to make a speech? The Honourable Member in charge has already replied.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): It is the first speech of the Honourable Member in charge. He has not replied yet.

Mr. President: The Honourable Member in charge waited and waited till no other Member got up to speak. But the Chair has no particular objection if the House desires to continue the debate any longer.

Mr. K. Rama Aiyangar: I purposely waited for the Government Member to speak on this Resolution

Mr. President: It was the duty of Honourable Members who wanted to speak, to rise from their seats before the Honourable Sir Bhupendra Nath Mitra got up.

Mr. K. Rama Aiyangar: It is not the second speech of the Honourable Member. The Resolution was a Resolution of Mr. Ahmad Ali Khan. Some of us have spoken. Then the Government Member gets up and makes his first speech. He has not yet made the closing speech at all. In fact, the discussion has to proceed both before and after the Government Member has spoken.

Mr. President: If Mr. Ahmad Ali Khan has not spoken in reply, it is his fault. It was his duty to rise to reply before the Honourable Sir Bhupendra Nath Mitra got up. However, as the House is desirous of continuing the debate, the Chair does not want to stand in its way. Mr. Jinnah.

Mr. N. M. Joshi: I rise to a point of order, Sir. (*Cries of "Order, order."*)

Mr. President: Mr. Jinnah.

Mr. N. M. Joshi: I rise to a point of order

(Cries of "Order, order.")

Mr. President: Order, order. Mr. Jinnah.

Mr. N. M. Joshi (sitting): You cannot shut me out like that. It is all nonsense.

Mr. President: The Honourable Member cannot cast any reflection on the conduct of the Chair.

Mr. N. M. Joshi: I did not cast any reflection

Mr. President: Then what did he mean by using the word "nonsense"?

Mr. N. M. Joshi: It was not directed towards the Chair.

Mr. President: Will the Honourable Member withdraw that word "nonsense"?

Mr. N. M. Joshi: If the Chair thinks that it was directed towards the Chair

Mr. President: Will the Honourable Member withdraw that word or not?

Mr. N. M. Joshi: I withdraw it.

***Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): I have listened to the reply given by the Honourable Member in charge on behalf of the Government, and we have been given some very dazzling figures as to what it will cost us to meet this Resolution or the various proposals which have been made in the amendments. Now, Sir, if he had definitely said that he was not going to do anything at all, I for one would not have certainly pressed the Resolution to a division. But the question whether the postal rates should be reduced should not be mixed up with the question of the grievances of the staff. It is always very cleverly put by Government, and what is really sought to be done in this House is to set one section of the House against another. We are told that if we reduce the postal rates we shall not be able to meet the grievances of the employees

The Honourable Sir Bhupendra Nath Mitra: I did not say so. Please excuse me.

Mr. M. A. Jinnah: The Honourable Member implied as much. The Honourable Member is rightly now in love with labour grievances. I congratulate him. As he admitted, there are very sound and serious grievances, may be as he said they are exaggerated to a certain extent; but I want to make it clear to the House that the one question has nothing whatever to do with the other. Then, Sir, a great deal of confusion was

*Speech not corrected by the Honourable Member.

created by Mr. Chaman Lall's speech when he said that the Mover of this Resolution took up a particular attitude when we were discussing the grants and he is taking up a different attitude now. Now, that is not quite fair. The position is this. When the Honourable the Finance Member presents his Budget to us we have to consider what is the surplus and there are various claims which assert themselves for the purpose of distribution of that surplus. The House is always in a very difficult position as to which is the best claim and which claim should have precedence over the other. There are so many, the salt tax, reduction of postage, and various others.

The Honourable Sir Basil Blackett (Finance Member): Why do you assume a surplus?

Mr. M. A. Jinnah: I am not assuming it at all. The Finance Member did not follow me. When we discussed the Budget last time, there were several claims—reduction of provincial contributions, the salt tax, reduction of postage, and so on. You cut your coat according to your cloth. Therefore, if any Honourable Member thought he could not support the reduction of postal rates he would be perfectly justified. We are not very far from that day when the Honourable the Finance Member will reveal his secrets in this House and will pour his millions of surplus in front of us. Then will be the time for us to consider the various claims and see which are entitled to the first call. I would therefore ask the Honourable Member who has moved his Resolution (*Mr. K. Ahmed*: "No.") The Honourable Member who interrupts me is not the Mover of this Resolution. He tried really to be the Mover of the Resolution, but he failed. I appeal to the Mover of the Resolution not to press this Resolution to a division but withdraw it. When the Budget is presented to this House, we shall be in a far better position to deal with this question than we are to-day.

Mr. K. Rama Aiyangar: With respect to the position taken up by the Honourable Sir Bhupendra Nath Mitra, I have to bring to the notice of the Assembly that some of his statements are not very accurate. In fact he said that the Incheape Committee cuts had been fully given effect to in the Postal Department and that the expenditure had since grown. While some of the recommendations were given effect to, to the tune of the figure recommended, they were not given effect to in their entirety. In fact much effect was not given to them on the telegraph side or on the postal side and officers' side. Actually about 60 lakhs of rupees that were asked to be retrenched were not given effect to for one reason or another. However, as a statement of fact I may mention it.

The Honourable Sir Bhupendra Nath Mitra: That statement of fact is incorrect, Sir.

Mr. K. Rama Aiyangar: We join issue there. I certainly stand by my figure. The Honourable Member was not present when the previous discussion took place. If he analyses the figures he will find that only 70 out of 135 lakhs had been given effect to in the matter of the detailed cuts that were asked for by the Retrenchment Committee. That is a point

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that I wanted to mention. Another is there has been extra expenditure because we have had increased revenue. That was the statement made by my Honourable friend. There again he is wrong because the Incheape Committee had taken the actual receipts of 1922-23 at over 10 crores but the present income is 9'82.

The Honourable Sir Bhupendra Nath Mitra: My friend is again wrong.

Mr. K. Rama Aiyangar: I have given it in the statement. If my friend looks into the papers he will find that the actuals for 1924-25 only amount to 9'82 crores.

The next point that I want to mention is this. The Honourable Member said that if we have an increase in letters and postcards, we will have to increase establishment. That again is not accurate. In 1922-23 he will find that we had 610 million letters while actually we have to-day only 545. As regards postcards he will find that we had 650 millions in 1922-23, while actually to-day we have only 540 millions. So that we are having less by more than 100 millions of these articles, and therefore for some years to come, according to the present rate of increase, he will not require the staff that he now has.

The Honourable Sir Basil Blackett: Does the Honourable Member think we have not reduced staff?

Mr. K. Rama Aiyangar: I do not follow. In fact you are unnecessarily employing extra staff now and that is a fact.

The Honourable Sir Bhupendra Nath Mitra: That is a fiction. (Laughter.)

Mr. K. Rama Aiyangar: As the Honourable Mr. Jinnah pointed out there is a conflict of interests, and we should certainly not introduce these elements of conflict here. Let us understand the position as it is and then proceed

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): What was the staff before?

Mr. K. Rama Aiyangar: Yes, the staff ought to have been reduced by 10 per cent. in all. (*An Honourable Member:* "Who said that?") According to the Retrenchment Committee recommendations, and the actual reduction in the total postal articles handled is more than 10 per cent. Leaving all that aside, as I say, the actual retrenchment recommended has not been carried out. All these are points which I raised only for the Assembly to follow the actual position, but the question that has been raised now has nothing to do with any one of these, and I want to place my views on that before the House. I should certainly ask the Assembly for the present to confine itself to and support the amendment of the Honourable Mr. Acharya. I had worked out the figures and I thought the diminution on account of reduction of the postcard rate to three pies would be 90 lakhs, but my friend has said it will be only 86 lakhs, so that his calculation is more accurate than mine. So if postcards only are reduced to 3 pies the loss will be 86 lakhs. If Lala Duni Chand's proposal is taken up we will have to find two and a half crores and if

my friend Mr. Venkatapatiraju's proposal is adopted we will have to find about one and a quarter crores. So that actually it will be well for the time being to confine our attempt to the postcard, which will certainly give the relief that we desire.

An important point that I want to mention before the Honourable the Finance Member and the Honourable Member in charge of this Department is this, that it would be very proper because of the commitments on account of the Telegraph Department if they treated the Postal Department separately. Then there will be no difficulty. At page 50 of last year's postal budget you will see that of the 66 lakhs of rupees which has to be paid to interest on capital the telegraph side has to contribute 46 lakhs, radios 2 lakhs and telephones 9 lakhs: together making about 57 lakhs and actually the Postal Department has to contribute towards that only 8 lakhs. Thus the total annual income of the Department is eaten up by this 57 lakhs which have to be paid by the Telegraph and Telephone Branches. So that you have in that alone 57 lakhs of money which you ought not to charge to the Postal Department. From the actual increase of postcards that will be sold if you reduce the price to 3 pies,—taking it at the rate of 1921-22, 1923, you will have another 25 lakhs income from the sale of extra postcards; so that altogether you will have about 75 or 80 lakhs under this head and the postcards may be reduced without any difficulty. Ponder over the position I place before you; you will find that you will not be able to fall behind. You can easily say that you ought to keep up this taxation. But it is absolutely unnecessary. It is unjust. In fact my Honourable friend Sir Bhupendra Nath Mitra began with the statement that it is practically charged for services rendered to the public. I agree with him that it is so. But the public that is served by the post offices is not the public that is served by the telegraph offices

The Honourable Sir Bhupendra Nath Mitra: It is.

Mr. K. Rama Aiyangar: It is to some extent. It may be 1 per cent. and nothing more, but the Postal Department serves the masses most and the whole country is served by it. It should not be argued that they can be actually combined together for purposes like this.

Then the question has been raised by my friend Mr. Neogy which was raised while we were in the Public Accounts Committee, namely, how far actual revenues have contributed to the capital charge to which interest is charged to the Department. You will find that the 8 lakhs relating to the Postal Department will be wiped out. It is the Postal Department that actually has found the revenues for all the capital expenditure which had been previously incurred by the Department. The Honourable Sir Bhupendra Nath Mitra said that the balances of the Department went also to General Revenues then. It went after paying this capital charge. Whatever capital expenditure was incurred in the Department was charged to revenues and if there was a balance it went to general balances. Similarly, when there were deficits in the Department, it was met from general revenues. Whatever it is, so far as revenues have contributed to the capital expenditure it is not right to charge interest on that capital expenditure, and I say the portion that is now charged to Postal Department, about 8 lakhs, would not be chargeable to it if only you give credit to capital expenditure which has come out of revenues and that has come only out of postal revenues. Till the year before last the contention of the

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Department was that the Postal Department was working at a deficit and that the Telegraph Department was working at a gain.

The Honourable Sir Bhupendra Nath Mitra: Question.

Mr. K. Rama Aiyangar: It was put forth before this House more than once and it has since been withdrawn. Actually it has been found that the Postal Department works at a profit while the Telegraph Department works at a loss and it is the Telegraph Department which has a staff which will admit of considerable reduction. That will be a matter to be taken up separately. If the present Resolution is confined, as I say it must be confined for this year, to postcards alone, the reduction in postcard rates will require Rs. 85 lakhs which is available with the Honourable Sir Bhupendra Nath Mitra without even the consent of the Honourable the Finance Member.

The Honourable Sir Bhupendra Nath Mitra: No, no.

Mr. K. Rama Aiyangar: The money is there. He has to find the portion relating to the charges for interest on capital of the Telegraph Department. If that is separated, you will get Rs. 57 lakhs which must be available and that is the balance of the Postal Department, and that together with the increase in income which will result from the ordinary extra sales of postcards, not to take into account the percentage of increase which ought to exist if these 3 years have shown a growth of sales, will be much more. Whatever is wanted to meet this deficit will be met. I submit, Sir, under these circumstances it will not be proper that the country and the poor people should not be allowed the chances of having their communications sent at the usual charge which was the original charge. It is a fallacy to argue that this increase should be maintained, because there is need for it. As I said, with a proper adjustment there is considerable scope for giving satisfaction to the employees and it is quite possible that if the whole thing is properly managed, extra revenue will be found. I have said that I shall not interfere for this year, till we know the circumstances are better, with reference to letters, envelopes and other things. If that is done, I submit there is no reason why the Government should not accept this Resolution.

(Several Honourable Members moved that the question be put.)

The Honourable Sir Alexander Muddiman (Home Member): Sir, I intervene in this debate because I think there is a general feeling that this is rather an infructuous discussion. It may be said that if that is so, why did not the Government vote for the adjournment? The point then was that the Honourable Sir Bhupendra Nath Mitra had not had an opportunity of replying to the various criticisms which had been made by previous speakers. We, therefore, felt that it was essential that he, on behalf of Government, should be given an opportunity, at any rate, of making some statement on the subject. The position now is that I think we are agreed on all sides that this debate cannot usefully proceed. And, if the Honourable Member who moved the Resolution is not prepared to accede to Mr. Jinnah's well-grounded appeal that he should withdraw his Resolution, I shall, with your permission, be prepared to move that the debate be now adjourned.

***Mr. N. M. Joshi:** Sir, I support this motion for adjournment but, while supporting it, I wish to make one or two observations. My observations are that in the course of the discussion the Member in charge of the Department ought to speak a little earlier so that those Members who want to reply to his criticisms may get an opportunity to criticise and reply to him also. I have observed that during the last few days

Mr. President: Order, order. The Honourable Member is not speaking on the motion for adjournment.

Mr. N. M. Joshi: You will give me some opportunity, Sir. I am appealing

Mr. President: The Honourable Member is entitled to speak on the motion for adjournment.

Mr. N. M. Joshi: If you think, Sir, that no other remarks should be made, I will submit to your ruling. But I feel that my remarks are justified because the Honourable Member in charge of the Department who ought to have spoken earlier has not done so.

Honourable Members: Order, order.

Mr. President: I cannot allow the Honourable Member (Mr. Joshi) to go on.

Mr. Amar Nath Dutt: On a point of order, Sir. May I know whether two motions for adjournment can be made?

Mr. President: It is perfectly open to any Honourable Member to make any number of motions for adjournment of the debate, but it is entirely for the Chair to decide whether reasonable time has elapsed since the last motion was made. (Hear, hear) If there is considerable feeling in the House to allow the Honourable the Home Member to move his motion for adjournment, the Chair does not propose to stand in the way.

Mr. N. M. Joshi: I want to offer one word of personal explanation. Only a few minutes ago you asked me to withdraw certain words

Mr. President: Order, order. The Honourable Member ought to know that we are discussing quite a different matter now. There can be no personal explanation at this stage.

Mr. N. M. Joshi: I have a right of personal explanation.

Mr. President: Will the Honourable Member resume his seat? He will have his opportunity later.

The Honourable Sir Alexander Muddiman: Sir, I move that this debate be now adjourned.

Mr. President: The question is:

"That the further discussion of this Resolution be now adjourned."

The Assembly divided:

AYES—49.

Abdul Haye, Mr.
Akram Hussain, Prince A. M. M.
Bajpai, Mr. R. S.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Sir Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Carey, Sir Willoughby.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Donovan, Mr. J. T.
Ghazanfar Ali Khan, Raja.
Ghose, Mr. S. C.
Ghulam Abbas, Sayyad.
Gidney, Lieut.-Colonel H. A. J.
Gordon, Mr. R. G.
Gour, Sir Hari Singh.
Graham, Mr. L.
Gulab Singh, Sardar.
Hezlett, Mr. J.
Hira Singh Brar, Sardar Bahadur
Capt. n.
Hudson, Mr. W. F.

Hussanally, Khan Bahadur W. M.
Innes, The Honourable Sir Charles.
Jatar, Mr. K. S.
Jinnah, Mr. M. A.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
Mittra, The Honourable Sir Bhupendra
Nath.
Muddimar, The Honourable Sir
Alexander.
Naidu, Rao Bahadur M. C.
Neave, Mr. E. B.
Owens, Lieut.-Col. F. O.
Pal, Mr. Bipin Chandra.
Rahman, Khan Bahadur A.
Rangachariar, Diwan Bahadur T.
Roffey, Mr. E. S.
Sadiq Hasan, Mr. S.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vernon, Mr. H. A. B.
Vijayaraghavacharyar, Sir T.
Yakub, Maulvi Muhammad.

NOES—15.

Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Ahmed, Mr. K.
Alimuzzaman Chowdhry. Khan
Bahadur.
Datta, Dr. S. K.
Dutt, Mr. Amar Nath.
Ghulam Bari, Khan Bahadur.
Ismail Khan, Mr.

Jeelani, Haji S. A. K.
Kidwai, Shaikh Mushir Hosain.
Muhammad Ismail, Khan Bahadur
Saiyid.
Nehru, Pandit Shamlal.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Wajihuddin, Haji.
Willson, Mr. W. S. J.

The motion was adopted.

ANNOUNCEMENT REGARDING THE ROYAL INDIAN NAVY.

Mr. President: I understand that His Excellency the Commander-in-Chief desires to make some very important pronouncement. Before I allow His Excellency an opportunity to make that statement, I desire to make it absolutely clear that this is one of the few days allotted by His Excellency the Viceroy for the purpose of non-official business, and if I allow this opportunity to His Excellency the Commander-in-Chief to make a pronouncement, which is really a part of the official business, I do so with the consent of the House, and I hope the Government will not site that as a precedent in future.

His Excellency the Commander-in-Chief: Sir, His Excellency the Viceroy has this morning made an important announcement in the Council of State, and it seemed desirable to His Excellency that I should come here as soon as possible, and with your permission, Sir, repeat the substance of what His Excellency then said.

It is this: that His Majesty's Government have, subject to the undertaking of the necessary legislation on the subject, agreed to the reconstitution of the Royal Indian Marine on a combatant basis to enable India to take the first step towards providing for her own naval defence in the future. (Applause.) It was with this object in view that His Excellency the Viceroy early last year assembled a Committee under the presidency of my very distinguished predecessor, Lord Rawlinson, in conjunction with the Naval Commander-in-Chief, Admiral Richmond, and it is as the result of the recommendations made by that Committee that the present decision has been arrived at. Subject to the sanction of His Majesty the King-Emperor, the new Service will be known as the Royal Indian Navy, and, together with the ships of His Majesty's Navy, will have the great privilege of flying the White Ensign, a privilege which I might mention is most enormously valued by the Royal Navy; in fact I think I might say there is no privilege more jealously guarded than the flying of the White Ensign. The report of this Committee will I hope be in the hands of all the Honourable Members of this House either this evening or to-morrow morning, and they will see from that what the purport of it is and what the strength and duties of the Navy will be in the future. I may mention here that Indians will be eligible to hold commissioned ranks in the Royal Indian Navy (Applause). It will of course be necessary for us to take the necessary steps, and we shall do so, to provide for their education and training. You will recognize, it is essential that the organization of the new Service should be entrusted to the existing personnel of the Royal Indian Marine, subject to any necessary re-adjustment of cadre. The changes involved are of course very great indeed, but as soon as we can possibly get into touch with the necessary organization, administration, finance and education, in consultation where necessary with the Admiralty and other authorities involved, the necessary steps will be taken. I would only add, Sir, what great pleasure it has given me personally to have been the means of making this announcement to my Colleagues here in the Legislative Assembly, and I believe I am right in saying that there is no single Member here present who will not whole-heartedly rejoice with me that this new career of national service is now to be open to Indians (Applause).

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

Mr. President: I do not want any Honourable Member to feel that he has been unnecessarily gugged. I have noticed that my friend from Bombay has that feeling and, therefore, I propose to allow him to make any explanation he wishes to make.

***Mr. W. M. Joshi** (Nominated: Labour Interests): Sir, I thank you very much for the permission which you have given me to make a personal explanation. Sometime back I used an expression which I do not wish to define. I admit it was a wrong expression but I want to explain to you that that expression was not used towards you at all. I used that expression because some Members on the Government Benches and some Members on my left tried to interrupt me when I was speaking and my expression was directed towards their conduct. I again say that even in their case I do not defend the use of that expression at all; I feel that the expression was wrong.

Mr. President: I congratulate the Honourable Member from Bombay for having realised that the use of that particular expression was unjustifiable.

Maulvi Abul Kasem (Bengal: Nominated Non-Official): May I suggest, Sir, that the whole of these proceedings, from beginning to end, be incorporated in the records of the Assembly.

THE LEGAL PRACTITIONERS (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Alexander Muddiman (Home Member): With your permission, Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Legal Practitioners Act.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 103.)

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, with your permission I beg to present the Report of the Select Committee on the Bill further to amend the Code of Civil Procedure, 1908.

RESOLUTION RE THE BURMA EXPULSION OF OFFENDERS ACT, 1925.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, the Resolution which I beg to move for the acceptance of this House runs as follows:

"This Assembly recommends to the Governor General in Council that the Government do immediately move the Secretary of State to disallow the Burma Expulsion of Offenders Act, 1925, or, in the alternative, to take immediate steps to introduce a Bill in the Indian Legislature to repeal the said Act."

This Act which was passed on the 28th September, 1925, by the Burma Legislative Council and has received the assent of the Governor General in Council has been aptly described as the Black Act, a thing which has come more in evidence in these days than heretofore. A cursory glance at the few sections of the enactment will convince every one that the description of Black Act is not only appropriate but very mild. The

Preamble of the Act begins with the usual words "Whereas it is expedient" without mentioning how and why it is expedient except the very meagre Statement of Objects and Reasons to the effect that the Crime Enquiry Committee of 1928 recommended a measure like this and that Burma should not be allowed to remain the happy hunting ground of criminals from all parts of the British Empire. If the Honourable the Home Member of the Burma Government has not thought fit to state more than what is in the Statement of Objects and Reasons we have nothing to complain of, for we, unfortunate Indians, know to our cost that expediency in the bureaucratic dictionary means that which prolongs the life of foreign domination and foreign exploitation. If I am correct in my meaning then certainly it is expedient, as the enactment will perpetuate Burma's subjection to foreign domination by creating bad blood between the Indians and Burmans, and leave the doors of foreign exploitation wide open.

The Bill provides that persons convicted of most trivial offences may be deported from the country provided they are non-Burmans. Consequently there has been a good deal of bitter feeling against the Act throughout the length and breadth of the country. The definition of the word "non-Burman" speaks of domicile, but the Act does not provide how to acquire a domicile in Burma. As the definition stands, the word "non-Burman" applies to Indians even if they have resided in the country for generations and have occasionally come to India, as a sort of pilgrimage, to the land of their ancestors. The "Soorties", as people who emigrated from Surat are called in Burma, is an instance in point. As for other people who come within the purview of the definition of the word "non-Burmans", there is a vast body of Indian clerks who were brought by the Government themselves to Burma and the Indian merchant and Indian labourer who went there at the instance of the Government and who helped them a good deal in the growth and making of modern Burma.

Sir, it is said that the object of the Bill is to prevent crimes. If it is really so, what justification is there for applying the Act to non-Burmans only? I would request this House to keep in view the meaning of the word "non-Burman" which is an euphemistic expression for "Indian". I ask the Government, do the General Administration Reports of the Province prove that the only criminal in the country is of Indian origin, or at least a majority of them? Their own police and jail reports will belie such a hypothesis.

Then, again, it may be said that Burma is the home of the Burmans and they can not be deported. May I inquire, have not many of the Indians, who may be dealt with under the Act, made Burma their home and have as much stake in the country as any Burman? If you but tell us frankly that we Indians are not wanted there, that Indian labour is a menace to the progress of the country, I would ask you to consider the case of settlers from Chittagong and Noakhali in Akyab who carry on agricultural pursuits, and have contributed greatly in making Burma a vast rice-producing country. Then, there are the traders from various parts of India, on whom the Act will have a disastrous effect even if they are not expelled. A man has simply to trump up a false case against his rival in business and he will be a ruined man in no time. For as soon as a criminal case is instituted, although it may eventually end in his acquittal or non-expulsion, his creditors will at once swarm round him to get back their money, fearing that he might be expelled just as it

[Mr. Amar Nath Dutt.]

happens in the case of a bank which must fail because the depositors have all made a rush to withdraw their deposits on rumour (no matter however baseless) of the Bank's impending failure. When I say this, I am not drawing from imagination but speaking from experience of what actually happened in the case of the Central Bank. The same thing can happen to any Indian merchant in Burma. As far as cases of this kind are concerned, the question is, what would be the consequence to the persons who are likely to be the victims of such prosecutions? Sir, real statesmanship lies in preventing such a catastrophe to a man, be he a Burman or a non-Burman. The Act affects the Indian community in Burma but will react upon the Burmans by retarding the political progress of the country which is dependent upon the co-operation of the Indian communities. The Act presumes that Burma without Indians would be a very peaceful country without any criminals, and, if you examine the Act, you will find that most of the sections of the Indian Penal Code have been incorporated either in Schedule I or Schedule II of the Act together with the Security sections of the Criminal Procedure Code, which will enable the Government to expel Indians from Burma. The Act has rightly given the Indian community cause to think that it denounces the Indian community, that it is the only community which contains criminals and that if it had not been for the criminals of India, Burma would have been without criminals. Sir, I say it is an aspersion on Indian civilisation and culture. The Act is bound to give Indians the idea that wherever they have gone either to conquer or to subjugate any country or to bring any country under settlement for the British Empire, after a time there the fate of the Indians becomes more and more intolerable under the British flag. This has happened in South Africa, this has happened in Kenya, and it is also going to happen in Burma. (*An Honourable Member* "Why?") If the Government of India can assent to an Act like this within the Indian Empire all their lip sympathy for Indians in the Colonies appear to be nothing else than sheer hypocrisy. Burma is a part and parcel of the British Indian Empire. Why should a provincial Government be allowed to enact a law which empowers them to deport people of other provinces. (*An Honourable Member*: "What about the goondas?") So long as Burma continues to belong to the British Indian Empire should it be allowed to legislate against the people who form part and parcel of the same empire?

Sir, I believe that the law has been enacted for purposes which indicate political cunning and not political wisdom. For sometime past, the Indians in Burma have been an eyesore to the Government for various reasons and feelings of jealousy and hatred have been attempted to be roused between Indians and Burmans in Burma by various means, and the cry has been raised "Burma for the Burmans". It is said that the Government of India treat Burma as the Cindrella of the British Indian Empire. If the Burmans really feel like that, how much more cause have the Indians in Burma to feel like that at the treatment that is being meted out to them in the Province? The present policy of the Burma Government is to exclude Indians from all services even at the sacrifice of public interests to gratify its dislike of Indians. I do not much care for the services, but what I want to assert is the right of the Indians to live in the province on a footing of complete equality without restrictions and the badge of inferiority. Will the Government of India

set their seal of approval to this reprehensible legislation and thus lay itself open to the charge of want of political sagacity and statesmanship? Considering that the Government of India have been exerting every effort in their power to obtain fair and equitable treatment for Indians in the Colonies and the Dominions, I hope the Government of India will try to prevent this colossal impudence of the Government of Burma. If the Government of Burma wants to expel the Indians from Burma let it clearly lay down its policy, instead of resorting to such camouflage and underhand dealings. We shall then know where we are. I assert that the Government of India are bound to safeguard the interests of all communities and to preserve their rights in the province of Burma and to give them a complete security on a footing of complete equality, in the same manner and to the same extent as Indians residing in the provinces of Bengal, Madras or Bombay or any other province in British India. The attempt to find an analogy to this extraordinary piece of legislation in the Bengal Goonda Act will not bear a moment's scrutiny, for that Act does not make any discrimination about race or colour and is directed against the activities of a certain class of criminals whose ways and habits make them a danger and a standing menace to civilised society. But, Sir, the non-Burman Offenders Expulsion Act brings all Indians within its clutches and places them in constant terror of penal law and of expulsion, so much so that Indians feel that life is unbearable and not worth living in Burma. If you look at the two Schedules of the Act, for which a non-Burman can be expelled from Burma for offences mentioned therein, you will find that very few sections of the Indian Penal Code have been left out. Then again, as you all know, false cases are not rare and can be got up easily by the Executive with the help of an unscrupulous police and may lead to conviction. From my own experience of nearly a quarter of a century at the Bar, I have come across several cases in which innocent persons have been convicted. The Act places powers in the hands of the Executive to such an extent that it will kill all political life in Burma, for it is a matter of common knowledge that public men are liable to be hauled up before courts of law in this country under various provisions of the criminal law, if they happen to incur the displeasure of the all powerful executive. The Act places very great powers in the hands of the magistrates without any right of appeal against the orders of expulsion

Mr. H. Tonkinson (Home Department, Nominated Official): Sir, as a point of fact I should like to say that the Act does provide for

Mr. President (to Mr. Amar Nath Dutt): Will the Honourable Member resume his seat?

Mr. H. Tonkinson: I only wish to correct a mistake which the Honourable Member has made in stating that the Act does not provide for a right of appeal. The Act does provide for a right of appeal.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Does the Act provide for a right of appeal against an order of expulsion?

Mr. Amar Nath Dutt: I was going to say that no right of appeal has been given to the people who are convicted under the Act.

Sir Hari Singh Gour: There is no appeal at all against an order of expulsion.

Mr. Amar Nath Dutt: I am going to say that. The Act places great powers in the hands of the Magistrates without any right of appeal—I do assert it again—against the orders of expulsion, for the only right of appeal that has been given under sub-section (4) of section 4 is on the question whether the offender is or is not an offender within the meaning of the Act. But no appeal lies as to the propriety or otherwise of the order of expulsion. That is my point.

Sir Hari Singh Gour: As to the desirability of expulsion.

Mr. Amar Nath Dutt: When a man is convicted, does it require any great intelligence to discover whether he is an offender as defined under the Act? For the word "offender" has been defined as any person against whom any sentence or order of the nature mentioned in the definition has been passed, so that when a man is convicted, you have only to see whether he has been convicted under any of the sections mentioned in the Schedule or whether any order has been passed under section 118 of the Criminal Procedure Code from the records of the case, but the High Court has no power under the provisions of this section to examine the correctness or otherwise of the sentence or order. Such provision, I am bound to say, is not only an insult to the dignity but also an insult to the intelligence of the Judges of the High Court, for you have to remember a Magistrate may pass a very light sentence upon an accused to deprive him of the right of appeal. To deprive the High Court of the powers of supervision in matters which involve the expulsion of a man from a country, and to place such enormous powers in the hands of magistrates, is nothing but a denial of justice, the birth right of every human being, so that the executive may maintain their tyrannical sway over the people who have the misfortune to be placed under their administration.

Sir, I therefore ask the Governor General in Council to take immediate steps to request the Secretary of State for India to disallow the Burma Expulsion of Offenders Act, 1925, or to repeal the same by an Act of the Indian Legislature, and I urge this on the ground of our inalienable right and privilege to live in any part of the British Empire, on which our allegiance to the Crown is based. Sir, such an Act of a Provincial Legislature, in one part of the British Indian Empire, is not only absurd and fraught with danger but is also most inopportune at the present moment when we are trying to secure for His Majesty's British Indian subjects the rights of citizenship in South Africa. I therefore ask the Government to take steps, so that the Act may be disallowed by the Secretary of State for India, or to repeal the same by an Act of Indian Legislature as indicated in my Resolution and protect the rights of Indians in Burma so that they may live there with all the rights of citizens of a great empire.

Rao Bahadur M. C. Waidu (Burma: Non-European): Sir I had not intended to intervene in this debate, but when I vote against the Resolution, I may be misunderstood. To explain my position, I now rise to say what I consider about this 'Expulsion of non-Burman Offenders Act'.

The various objections that were set forth against this Act are:

- (1) That it was aimed against Indians.
- (2) That it would have the effect of setting up racial feeling.
- (3) That non-Burman trading communities would be subjected to very serious disabilities.

- (4) That a measure of this description has not been enacted in any other part of the world.
- (5) That there is no necessity for such a measure.
- (6) That the Act did not afford facilities to non-Burmans for proving their domicile in Burma, and
- (7) That it is a Black Act.

With regard to the first objection, I have to state that it is entirely a misconception. In Burma, there are not only Indian residents but a large number of other British subjects from places other than India, who are also affected by this Act. If the Act is aimed against ordinary Indian citizens only, certainly I would oppose it at least on principle. But the Act, as passed, is only intended to be directed against a class of criminals who are a menace to society. So, I think the respectable Indians should only be too glad to get rid of such criminals who remain in their society to spoil the fair name of their community; peace and prosperity can only be ensured so long as law and order are maintained.

With regard to the second objection, I say that the purpose of this Act seems apparently to be that the Government of Burma are not saying to Indians or to any other British subjects or foreigners that they shall not reside in Burma, that they shall not follow their ordinary pursuits in Burma, but what they say is, once you are here we expect you to conform to the laws of the land, and if we find that you persist in a career of crime, then we shall turn you out. What is there wrong with such an Act? I think the Government of Burma would like to make this Act refer to Burman criminals as well to prove that they did this with the best of intentions, if they could only have the power to send them away. But obviously they cannot do so, until some country is willing to accept Burman criminals. I may also say that Burmans will never attempt to turn out Indians under any circumstances, as they know that the Buddhist faith only passed from India to Burma, and as hospitality seems to be one of their born qualities; I really do not see therefore how this Act would have the effect of setting up racial feeling. Would any one desire to welcome the criminals to make it their business to prey on their fellow beings.

With regard to the third objection, I would like to quote the very words of one of the Members of the Select Committee. He says:

"This Bill will have disastrous effects on non-Burman traders in Burma, even if they be not subject to expulsion. A man has simply to trump up a false case against his rival in business and make him a ruined man in no time; for as soon as a criminal case is launched against him (although it may eventually end in his acquittal or his non-expulsion) his creditors fearing that he might be expelled will all at once swarm round him to get back their money just as it happens in the case of a Bank which must fail because the depositors have all made a rush to withdraw their deposits on rumour (no matter how baseless) of the Bank's impending failure."

Well, Sir, if we assume the existence of such people, is it not an argument, Sir, for such an Act as this, and should not Government take power to deport persons who are in the habit of bringing false charges against prosperous traders? Apart from that, even without an Act of this kind, is it not the case, Sir, that if a false charge is brought even under the present law against any trader, the creditors come down on him to get back their money before he is convicted? This objection, which appears at first sight to be really a serious one, is merely a bogey.

[Rao Bahadur M. C. Naidu.]

With regard to the fourth objection, I may say that this is not a novel one. I think a somewhat similar Act was passed in Bengal, known as the Goondas Act, which was directed against non-Bengalis. One of the sections of that Act is :

" Whenever it shall appear to the Commissioners of Police that any person :
 (a) is a goonda or a member of a gang or body of goondas;
 (b) is not a Bengali by birth; and
 (c) is residing within or habitually visiting or frequenting the town of Calcutta; and that such person or that such gang or body is committing or has committed or is about to commit an offence, he may be deported."

Even assuming that there is not a single precedent to be found anywhere in the annals of legislation, what harm is there to pass any Bill in any Province, so long as the provisions of the Bill are reasonable and they are really meant to protect the best interests of the people. I think that the Government of Burma will readily accept a measure of this kind if it be passed in any Province in India for the expulsion of Burman offenders from that Province.

With regard to the fifth objection, I say that the necessity for such a measure is only on the recommendation of the Crime Committee of 1923 to protect society from the depredations of habitual criminals, and for the advantage of criminals themselves. Because, in Burma, there is already an Act in force, namely, the Habitual Offenders Restriction Act. Under that Act, Burmans, or any one residing in Burma or domiciled in Burma, may be restricted to certain areas. In restricting a man to a particular village other than his own, a magistrate must restrict him to a village where he has a reasonable chance of finding work, in order to earn an honest livelihood. It is almost impossible to comply with this condition in regard to non-Burmans. Is it not therefore advantageous to them if they were sent back to their own home?

With regard to the sixth objection, I say that the Act provides facilities to prove domicile, and it is not an easy thing to expel any one under this Act, as will be seen from the procedure laid down therein. To establish that a person is an offender within the meaning of this Act, it will have to be proved, first of all, that he has not acquired a domicile in Burma. The District Magistrate will then record his finding stating his reasons as to whether he should make the recommendation to the Local Government or not. If the offender is aggrieved on any point of law, all he has to do is to say so, and the Act provides that the District Magistrate shall, without any further application, submit the proceedings to the High Court for decision, so that there will be very little risk of any legal error being committed. It is only after the High Court has confirmed the finding of the District Magistrate, that the recommendation will be submitted to the Local Government. The Local Government will then have to consider whether it is desirable in the best interests of the community to expel him. It is only after very careful examination of the surrounding circumstances, i.e., after careful consideration of the offender's life, of his tendencies, of the effect that his presence in Burma will have on other citizens, that the Local Government will pass an order for his expulsion.

With regard to the last objection, I would say that if the Act be examined in the cold light of reason, with the explanation I have offered on each objection, it will be found that it is pure white, white as the eternal snows on the summits of the Himalayas.

Sir, I can safely say that there is no fear whatever that Indians will ever be turned out of Burma, for Burma cannot do without Indians, as Indians are everywhere and in all departments in Burma, and the progress of Burma is mainly due to Indians. What the Government of Burma and Burmans say is that they do want Indians but do not want habitual offenders and persons who have committed serious crimes; perhaps they want to keep the country as pure as possible, and if possible, to convert the "Province of Burma" into a "Province of Brahma". Let them please themselves. Why should any law-abiding citizen need worry his head over this Act?

I oppose the Resolution.

Sir Hari Singh Gour: I am somewhat amused and I must confess somewhat amazed at the extraordinary statement of law and fact that have emanated from my friend Mr Naidu (*An Honourable Member*: "Rao Bahadur") and the interjection of the Honourable Mr. Tonkinson has taken me completely by surprise. Now what are the facts relating to this Burma Non-Burman Expulsion of Offenders Act. The facts are briefly these. I speak from official papers and from a certain amount of local knowledge which I have derived when I happened to be in Rangoon at the time when this Bill was actually before the Select Committee. This Bill is the outcome of a certain amount of agitation raised in the country against Indians. The position of Indians in Burma is as follows: Rangoon, which is the capital of Burma, is a very large city with a population of over 3½ lakhs; and my Burman friends who are here will bear me out that the majority of them happen to be Indians, while the trade and the banks are in the hands of Indians. Now a feeling has been aroused in the minds of my Burmese friends and others that these Indians are plundering Burma, why not expel them? I do not for a moment believe that right-minded, thoughtful Burmans would like to expel any Indian. On the other hand I have the authority of some of the leaders of the new Burma movement that they would welcome Indians in Burma because without their co-operation and support the advance of Burma in the path of political progress is impossible. Now, Sir, this is the atmosphere of suspicion in which this Bill was launched; and let me remind this House, it has received the opposition not merely of Indians but of the representatives of the European community resident in Burma. The President of the Burma Chamber of Commerce, speaking on behalf of the European community whom he represented in the local Council, pointed out in language clear and unmistakable that the one effect of this Bill would be disastrous to the solidarity of the races and the good feeling that has prevailed hitherto in Burma between members of the various races and communities. Let me give to the Honourable Members his exact words in opposing this Bill, as I have said, on behalf of the European mercantile community of Burma. Sir Adam Richey said:

"Sir, I am not a lawyer though it may be that I am able to distinguish the dangers lying behind the provisions of this Bill. One thing I notice is that the Bill has undergone very considerable change after its last entry in this House. The wording has been altered, clauses have been added and safeguards have been introduced and I accept the assurance of the Honourable the Home Member that it would be quite impossible for any one individual to do his neighbour any harm. I really therefore have an open mind as to the provisions of this Bill both for and against it. I think if it is put on the Statute-book it will practically be unused. Holding that opinion, what is the use of pushing this Bill through the House and creating inter-racial feeling? I say that if the benefits which would accrue by the Bill do not outweigh the disadvantages and difficulties which will be set up later through lack of co-operation and racial feeling the Bill in my opinion is not worth the candle."

[Sir Hari Singh Gour.]

And he goes on in the same strain. Now, Sir, a very casual examination of the Bill will convince this House that Sir Adam Richey was well justified in characterising it as a Bill which has the ultimate result of arousing inter-racial hostility. Let me give to the Honourable Members briefly the provisions of the Bill. It is a very short Bill but it contains within its short compass germs of great potentiality and mischief. First of all, Sir, we have the Preamble, and the Preamble says:

"Persons who are non-Burmans and not domiciled in Burma shall be subject to the operation of the Bill."

Now, Sir, the one question I should like to ask, and the one question which has never been answered either by the lawyer or non-lawyer Members of the Burma Legislative Council is, what is the meaning of the word "domicile"? My lawyer friends will know that this word has been a battle ground in England and in this country for several generations and up to date the judges are not agreed as to when a domicile begins and when it ends. Now, Sir, in the Code of Civil Procedure there is such a word, but it has not been defined for the very simple reason that it is undefinable. The Select Committee themselves confess their inability to define this word. In clause 2 of their Report they say:

"We are of opinion that 'domiciled' cannot be defined, but that the question whether a man is or is not domiciled in Burma must be left to the Courts to decide on the particular facts of each case and on the basis of existing rulings."

This is, therefore, a great element of uncertainty. It is using in an Act of the Legislature a word which is undefined and which the Legislature confesses is undefinable. But that is not all. Honourable Members will find in the conglomeration of offences for which a person may be expelled from Burma there occur offences which are universally regarded as political offences, offences like sedition or allied offences. Then, in the second class are offences against person and against property. If this Bill were confined merely to offenders under what is known to the lawyers as offenders under Chapter XII and XVII of the Indian Penal Code, I would say with Sir Adam Richey that the Bill was either useless or at any rate harmless. But I ask my Honourable friends and the protagonists of the Government to justify on the floor of this House a measure which is calculated to expel political offenders from the province of Burma.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Any offenders.

Syed Majid Baksh (Burdwan and Presidency Divisions: Muhammadan Rural): Offenders even under section 802.

Sir Hari Singh Gour: That is my first point. I am talking of political offenders for the present. You have not defined the word 'domiciled' and you have cast into your net criminals who are undoubtedly criminals because they have committed offences against the law of property and person, and side by side with them you have placed political offenders or so-called political agitators. Sir, those who are suspicious about the underlying principle of this Bill justify their suspicion on the ground that this will be used as a weapon for political oppression of the people who are waking up their fellow subjects in Burma to the recognition and

assertion of their political rights. Sir, though I have not had the pleasure of consulting Mr. Naidu in Rangoon, I have consulted all shades of political opinion, Burmans and non-Burmans, European and indigenous, and they were unanimously of opinion that this Bill is a Bill which should be opposed and should not be pushed on with. If this opinion were an unreasoned opinion, I submit I was not bound to carry it out, but having made a close study of the Bill, I feel that their opinion was justified, nay amply justified, because I find that if this Bill is put into practice, it might be used as an engine of oppression against those who wish to wake up Burma to realise their political rights and responsibilities.

Now, Sir, it has been said, and my friend the Mover of this Resolution has said, that there was no appeal against this arbitrary order passed by the District Magistrate. The Honourable Mr. Tonkinson warmly (*An Honourable Member*: "Wrongly") rose up ejaculating—"No right of appeal! There is a right of appeal". Now, Sir, I give him a friendly challenge. If my copy which I have received from his own Department is correct, and if my reading of the Bill is correct, there is no right of appeal at all. There is a reference on two and two stated points only. Let me give to the Honourable Members the exact words of that section which is called an appeal. It is section 4. Honourable Members will find that if a person has been once convicted of an offence in the first Schedule—and a political offender is an egregious offender—his first conviction suffices to justify his expulsion; or, if he is convicted on two occasions under the second Schedule, in that case the District Magistrate may immediately take action under this Expulsion Act. He is merely to find three facts and I hope the House will now carefully listen to the very guarded language, the very cautious language used by the Legislature in connection with the initiation of the first two principles, leaving out the third principle for the sole and unfettered judgment of the District Magistrate. The first is whether he is a non-Burman. The second is whether he is an offender—two very simple facts. The third is whether it is desirable to expel him. If the District Magistrate is of opinion that all these three conditions concur, then he may pass an order. Now, Sir, having passed an order, this is the sole right which the unfortunate offender has under the Act. I will give to the House the exact words with a view to enable it to judge whether the offender has any right of appeal within the meaning of law or for the matter of that any right of revision as recognised by the Code of Criminal Procedure. The section says:

"The offender may within 15 days of the receipt of the copy of the order require the District Magistrate to refer for the determination of the High Court the question whether the offender is or is not a Burman or is or is not an offender within the meaning of the Act, and, on receipt of such requisition, the District Magistrate shall forward the proceedings together with the requisition to the High Court which shall deal with the reference as far as possible in the manner provided by the Code of Criminal Procedure for the disposal of an appeal."

That is all that the District Magistrate is obliged to do. That is all that the High Court is entitled to go into. That is to say, the two facts, namely, whether you are a Burman and secondly whether you are an offender. Now, the third point and the most important point of which the executive has been made the sole and uncontrolled judge is whether it is desirable to expel him from Burma. On that point the High Court has been given no discretion and that, I submit, is therefore the crux of the whole matter.

Mr. President: Order, order. The Honourable Member has already exceeded his time limit.

Sir Hari Singh Gour: I will wind up in a few minutes. Now, Sir, I submit that there is no justification for the argument that there is a right of appeal to a judicial tribunal.

Sir, reference has been made to the Goonda Act. I do not say that my friend the Honourable Mr. Naidu has misread it because I do not think he could have ever read it at all.

His paraphrase of that Act is so widely different from the language of the Act that I feel astonished. A goonda is defined as a hooligan or other rough, and Bengalis are not excluded. If a Bengali is a goonda he comes also within the purview of the Act. It is an Act which recognises no denominations or races or classes and is circumscribed as regards its operations to the town and purlieus of Calcutta. (*An Honourable Member:* "Section 6 of the Goonda Act.")

Mr. President: Order, order. The Honourable Member cannot now discuss new points. The Chair thought he was going to sum up.

Sir Hari Singh Gour: In a few seconds, Sir. Under the Goonda Act the executive officer is to act with the advice of two advisory judges of the rank of Additional and Sessions Judge. Well, I need not labour this point. I support the motion and oppose this Bill on the following grounds. I submit it is against the policy of British legislation to introduce inter-provincial legislation placing disabilities on the residents of one province from settling down and residing in another province. Burma is part of the Indian Empire, therefore I submit that the people of India as much as the people of Burma have the right of free settlement in any part of the Indian Empire where they choose to live. If they are offenders they pay the penalty for their offences, but that is no reason to deny them the right to reside in the country where they live and have the right to live.

My second submission

Mr. President: Order, order. The Honourable Member must put a restraint on himself.

Sir Hari Singh Gour: I am about to finish. That Act violates international law and the right of asylum. Political offenders and political refugees are admitted into all countries and I, therefore, submit that the punishment of political offenders entitles the Government to expel non-Burmans from Burma, and this offends my notion of international comity.

My third objection is to the word "domicile" and to the fact that there is no right of appeal. I submit, therefore, that the House should support the motion moved by my Honourable friend.

Lieutenant-Colonel F. O. Owens (Burma: Nominated Official): Sir, I oppose this Resolution on behalf of my Government and I also oppose it because it is the desire of the Burman people that it should be opposed. They regard the tabling of this Resolution as an unnecessary attempt at outside interference in their domestic affairs. (*Some Honourable Members:* "Certainly not. Inside affairs.") There has been a great deal of misapprehension about this Act. The Burma Expulsion of Offenders Act is, I contend, a measure of purely domestic legislation. Its aims, its objects are very reasonable. I have been amazed at the interpretation that Indians in Burma have placed on this Act and on its intention, but I

have never been so amazed by anything that has been said against this Act by Indians in Burma as I have been by what has been said here to-day. The statements that I have heard from the last speaker have amazed me. I am sure that the majority of Members of this House have never read the Act. (*Several Honourable Members*: "You are not right; we have all read the Act.") In the Statement of Objects and Reasons the Home Member of the Burma Government stated that there was a general demand in the country that Burma should no longer be allowed to remain a happy hunting ground for criminals from other parts of the British Empire. It was considered desirable that Government should be authorised to remove from Burma any non-Burman convicted of a serious offence, or who was bound down to be of good behaviour, or against whom an order of restriction had been passed under a local Act known as the Habitual Offenders' Restriction Act. I submit, Sir, no honest, law-abiding citizen can really take exception to these aims and objects.

Mr. A. Rangaswami Iyengar: That is always the tyrant's plea.

Lieutenant-Colonel F. C. Owens: The House has heard what two speakers who have spoken on this motion have said. I confess I did not expect to hear in this House the arguments that were raised in the Burma Council by the opposers of this Bill. I should just like to examine some of the arguments. Now, Sir, the first speaker on this Bill said that, if the Bill was passed, it would hurt the feelings of Indians, and that its mere introduction into the Council raised the presumption that, without Indians, Burma would be a very peaceful country without any criminals. Well, legislation directed against criminals should not hurt the feelings of any honest man. And as regards this presumption, the Bill makes no such presumption whatsoever and nobody who had the slightest experience of Burma would make any such presumption. Our crime figures in Burma are appallingly high and we who live in Burma, Burmans included, freely admit that for the bulk of that crime Burmans themselves are responsible

Diwan Bahadur T. Rangachariar (Madras City : Muhammadan Urban): Why not expel them also?

Lieutenant-Colonel F. C. Owens: We have undertaken special legislation in the shape of that Offenders' Restriction Act which I have just mentioned, and although that Act applies to all persons living in Burma, all offenders, it is not well suited to dealing with criminals who at the same time are not Burmans. Now another Indian said regarding this Act that the Indian newspapers have described the Act as the thin end of the wedge of separation and thought it was aimed at Indians. Well, I quite admit that it is aimed at Indian criminals, in common with other non-Burman criminals. Out of a population of just over 13 millions, the Indians in Burma number not quite 900,000. The Chinese number very nearly 150,000. Practically all the Indians are British subjects and a great many of the Chinese are also British subjects. I am referring to those Chinese who were born in the Federated Malay States and the Straits. Now it is quite clear, having regard to these figures, that Indian criminals may outnumber the criminals of other non-Burman races, but I do not think even this is necessarily a fact, and personally I would back the Chinese. Now, I do not know why this Act should be regarded as the thin end of the wedge of separation, and even if it is so regarded, I cannot see why on that account it should be considered objectionable. Separation is a question, I take it, which will be decided on economic and not

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on racial issues. But the most ardent advocate of separation does not hold that when separation comes to pass all Indians must live on one side of the Bay of Bengal and all Burmans on the other. Now the same speaker went on to say that he was of opinion that no offender ever came to Burma to earn his livelihood by foul means. Well, Sir, I doubt that. Any way the Act is not concerned with the intentions of would-be immigrants. It is only concerned with their actions after they have arrived in Burma, and there can be no doubt that a certain number of Indians in Burma do earn their livelihood by foul means. I should like to quote to the House what a Burman Judge of our High Court in discussing this Bill had to say on the matter. He said:

"The Burmese people will welcome the proposed legislation; they cannot understand why notorious smugglers, keepers of houses of ill-fame and gambling dens and other undesirable persons of races foreign to Burma have been suffered to thrive in this country."

Well, now, Sir, the next critic of this Bill remarked that even members of Indian criminal tribes when they come to Burma become such reformed characters that they do not commit crime. Well, that is very interesting but, I would point out, the Act is not directed against even members of Indian criminal tribes so long as they behave themselves. The same critic went on to ask why in Burma it should be presumed that all Indians are born criminals. Well, Sir, the Act makes no such presumption at all and I can assure the House that we in Burma make no such presumption either. Now, this gentleman in the course of the same speech went on to remark, that since the introduction of the Reforms in Burma he had noticed that Indians had been kept out of public offices and that now plans were being formulated to keep them out of the country also. Well, I deny the latter part of the assertion

Mr. A. Rangaswami Iyengar: We did not say that.

Lieutenant-Colonel F. C. Owens: And as regards the former, I would remind the House that at least two eminent Indians occupy very high offices in Burma and that both these gentlemen obtained their appointments after the introduction of the Reforms. I am not aware, Sir, that any Burman sits as a Judge on the High Court of any Province in India. I am not aware that the Mayor of Calcutta is a Burman; but I do know that the President of the Corporation of Rangoon is an Indian. Another Indian Member of our Council said that this Bill, if it was placed on the Statute-book, would earn for Burma the hatred of all Asia including that of the Chinese and Japanese peoples, Anglo-Indians and Indians, but the Burma Legislature in its law-making capacity could not hurt either the Chinese or the Japanese or Anglo-Indian—apparently because these people could retaliate. He then remarked: "I will at once say there is no foolish person who dares to go to Burma to break your law." Well, on that latter point of course I disagree with him, and as regards the first part of his remarks, if there is any meaning in them, they only go to show that this gentleman knew nothing whatever about the provisions of the Foreigners' Act. The Foreigners' Act is as drastic a piece of legislation as you will find anywhere. Now that Foreigners' Act has been on the Statute-book for a long time. It is directed against all Asia, including the Chinese and the Japanese, except of course British subjects, and yet it has not earned the hatred of those people for India. Now, after all this, the Bill went to

Select Committee and it was very much altered there. The Home Member on reintroducing it or resubmitting it to the Council said that it had been trimmed down to the narrowest possible limits consistent with its aims and objects. Now, Sir, the Bill was again attacked by the Indian Members. It was denounced as a Bill which "attaches a stigma to the Indian community in Burma and brands Indians as criminals by birth, a Bill which denounces the Indian community as the only community which contains criminals, a Bill which asserts that had it not been for Indian criminals there would have been no criminals in Burma, a Bill which was a foul calumny on the pure reputation of Indians who claimed that they should be allowed to reside in Burma as self-respecting citizens, a Bill that was a gratuitous insult which the Government of Burma had sought to place upon Indians, a Bill which infringed one of the most fundamental rights of a loyal citizen," namely, the right that my friend has just pressed to remain in any part of the Empire in which he desired to remain. Well, Sir, this right is infringed every time a magistrate sends a thief to jail; the thief may be a perfectly loyal citizen, but I venture to assert the part of the British Empire which he desires to remain in is that part of it which is outside the four walls of a jail. It is further described as a Bill the professed object of which is not its real object, which real object was to drive Indians out of Burma as branded criminals. An Indian Member who was a member of the Select Committee stigmatised the Bill as repulsive and humiliating to Indians, a Bill of which the underlying principle was iniquitous, a Bill that was itself atrocious in character. Now, Sir, I have given you specimens of the criticisms that were directed against this Bill in our local Council. I am quite willing to admit that all this denunciation may be classed as pretty hot stuff; but I refuse to admit that it contains either reason or argument. I am quite satisfied, Sir, in my own mind that there is no sinister movement on foot either in this Act or in Burma or anywhere else to expel and to exclude Indians from Burma, and I hold that assurance for a very simple and a very patent reason. The reason is so patent that I am surprised that Indians have lost sight of it. That reason is that Burma could not do without Indians. Sir, God Almighty made Burma and He placed in it the people who are now Burmans. Then the British came along and took over the administration of the country. It was after this that Indians entered Burma, and ever since they have been coming into and going out of the country freely in their thousands. I assert with confidence that Indians in Burma have had and do have a very good time for it is a happy country and I do not grudge them that good time at all; I think they thoroughly deserve it, because in my opinion Indians have done their full share in the development of the country. What is the position of Indians there now? They adorn with distinction our bench and our bar. Many departments of the public service in Burma are staffed by Indians. They prosper as merchants and traders in our towns. They hold land all over Burma. You will find them engaged without let or hindrance in the various pursuits of life which go to make up the economy of a civilised country. (*An Honourable Member*: "Have they had domicile?") Now, I just want to picture to the House what the consequence would be if we expelled and excluded Indians from Burma.

Mr. A. Rangaswami Iyengar: That is what this Act will do.

Lieutenant-Colonel F. O. Owens: Our railway trains would come to a standstill. The great fleet of steamers belonging to the Irrawaddy Flotilla

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Company, which cover our waterways and which form practically the only means of communication in the rich and prosperous delta of the Irrawaddy from where I have just come, would cease to run; our rice mills would cease working; ocean-going steamers in our ports could neither load nor unload; public works activity would be paralysed; hospitals and dispensaries would close down, sanitation would disappear.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): You have forgotten law and order.

Lieutenant-Colonel F. C. Owens: We could not keep up our public accounts and Government officials, including myself, would not be able to draw our pay. In addition I should be deprived of my cook and butler and various other servants, and the Burmans would no longer be able to ride in rickshaws. Events which took place only in last September will show that I have drawn no exaggerated picture to this House. In September last the crews of the steamers of the Irrawaddy Flotilla Company—all of them Indians—went on strike. For the four or five weeks during which that strike continued communication in a greater part of Burma was by foot only. At that time I was in Bassein, the Divisional headquarters of Irrawaddy or the Delta Division of Burma, and I can personally testify to the great inconvenience and the great loss which was caused by that strike to all sections of the community. I received numerous petitions imploring me to induce Government to put an end to the strike and to cause the steamers to run again. So universally were the effects of this strike felt that even small fishing hamlets in my Division were affected for they could not get their fresh fish to Rangoon markets. Now, I ask this House, can any one seriously imagine that we in Burma are so foolish as to take action which would bring about these consequences?

Mr. A. Rangaswami Iyengar: That all depends.

Lieutenant-Colonel F. C. Owens: Now, Sir, I pass to the Act . . .

Mr. President: The Honourable Member being new, the Chair has allowed him sufficient latitude by giving him five minutes more than his time. Will the Honourable Member now please bring his remarks to a close?

Lieutenant-Colonel F. C. Owens: Now, Sir, I should like to make a few more remarks. Our crime figures in Burma are very high. For the last ten years, they have been going up at an alarming rate, and every one admits in Burma that for the bulk of our crime the Burmans are themselves responsible. (Hear, hear.)

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): How many Indians?

The Honourable Sir Alexander Muddiman (Home Member): I would appeal to the House not to interrupt the Honourable Member as this is his maiden speech.

Lieutenant-Colonel F. C. Owens: And one of the recommendations that Committee made was to amend our Habitual Offenders Restriction Act, so as to provide for a person not domiciled in Burma but who came under that

Act being sent back to the country from which he came instead of his being restricted to a place in Burma. It was held that the suggested amendment went beyond the scope of the Offenders' Restriction Act which provides for supervision of a restricted person, and obviously the Burma police could not supervise a person restricted to some village in India.

In order to give effect to the recommendation it was necessary to have a new Act and the Act now under consideration is this new Act. Had we been able to amend the Offenders Restriction Act we should have attained our object just as well as we shall do under the new Act and I venture to suggest that the amendment would have excited no comment. There can be no doubt that Indian Members in Burma completely misrepresented the Act in our Council. I do not for a moment think that they have wilfully done so. Rather I think they have genuinely misunderstood it. As soon as they found we were enacting new legislation which did not include Burmans they at once suspected a plot against Indians.

Sir Hari Singh Gour: What about Europeans and Anglo-Indians?

Lieutenant-Colonel F. O. Owens: There was and there is no such plot. We desire to treat our Burman and our Indian criminals alike, so far as it is in our power to do so. We are quite willing that any province in India should take measures such as we have to send back to Burma all Burman criminals. This Burma Act is part of an attempt by the Burma people to put down crime in the province and no member of any other province has any right to put an obstacle in the way of that effort. This Act was passed by 56 votes to 15. The minority consisted of 10 Indian Members and 5 European non-officials. The only reason why the Europeans voted against the Act that I have been able to discover is the reason mentioned by my friend Sir Hari Singh Gour and that was that the Bill as it emerged from the Select Committee had been so revised that it was innocuous (Laughter.) We had that point before, but it is a matter of opinion. Government and every Burman Member present at the division, and they numbered 41, voted for the Bill and I claim that this is an Act wanted not only by Government but also by the Burmese people. Legislation in the shape of Bengal Act No. I of 1923, similar to that under discussion, has been passed in India without interference and without raising a murmur. Why then should Indians assert that the Burma Act is an insult to Indians? I am quite satisfied that no Member of this House really regards it as such. The Resolution before the House asks us to recommend that this Burma Act be disallowed or repealed. I regret to say, Sir, but I cannot hide from myself the fact, that a racial complexion has crept into this matter and I have no doubt in my own mind that in legislation directed against criminals racial issues should find no place. I must face facts as I find them and I confess I agree with the Home Member of my Government when he said that if racial issues had been introduced into this matter, their introduction was due to the extraordinary interpretation which Indians had placed on this Act. The fate of this Resolution, like the fate of all Resolutions in this House, depends on the Indian Members. Though I am a Government official, an agent of a much criticised bureaucracy, I do not address this House as a wholly irresponsible person. At least it must be conceded that I have lost the irresponsibility of youth and that I have some experience of Burma. I say to my Indian friends, why should you quarrel with Burma?

Mr. A. Rangaswami Iyengar: We do not.

Lieutenant-Colonel F. C. Owens: What will you gain by carrying this Resolution? And I answer, you will gain a reputation for upholding criminals.

Mr. A. Rangaswami Iyengar: No, no.

Lieutenant-Colonel F. C. Owens: That is not desirable. You will also gain another victory over Government. You have gained many such victories. One more or one less, does it matter? Sir, anything may happen within the next few years. Swaraj may be in full swing, or it
 4 P.M. may be, British officials will still be associated with Indians in the administration of this Empire. But whatever the circumstances, the facts of Geography will still stare us in the face, and Burma will still be India's next door neighbour.

Mr. President: Order, order. Considering that this is the Honourable Member's maiden speech, the Chair did not want to give him repeated warnings.

Lieutenant-Colonel F. C. Owens: May I bring this to a close? I assume, whatever the circumstances, all Indians desire to live in amity with that neighbour. Friendship is not a trifling matter. Friendship is desirable, not to be thrown lightly away. I do not stand here to threaten. Such an attitude would be distasteful to me, it would be disowned by my Government and repudiated by the people that I represent. But I stand here to set out the facts of this matter fully and freely before this House and I have endeavoured to do so. I also stand here to assert the right, the reasonable right of Burmans to manage their own affairs and to assert their reasonable claim that in matters of domestic legislation they shall not be dictated to by Indians. In this matter the Burmese people have arrived at a decision and they will tolerate no interference, and I say to my Indian friends here, if you carry this Resolution you may gain another victory over Government, but at the same time you will incur and deservedly incur the resentment of the Burmese people. Therefore, I invite my Indian friends to join with me in opposing this Resolution.

Mr. M. A. Jinnah: Will you allow me to ask one question of the Honourable Member? I did not want to interrupt him. Will he kindly tell us, as he represents the Government of Burma, how many Indians were convicted of the offences mentioned in Schedule I and Schedule II in the preceding two years?

Lieutenant-Colonel F. C. Owens: I should like to have notice of that question.

U. Hla (Burma: Non-European): Sir, I rise to oppose the Resolution on the ground that this Bill was passed in the Burma Legislative Council by a majority of 56 to 15 and those who voted against the Bill were non-Burmans. It shows that the people of Burma, particularly the Burmans, are in favour of the Act. I oppose the Resolution also on the ground that the interference of the Central Legislature in a matter like this is repugnant to the principle of provincial autonomy. This Act does not in any way prejudice the legitimate interests of Indian residents in Burma and is essential for the promotion of law and order in that province. Sir, with these few words I oppose the Resolution.

Diwan Bahadur T. Rangachariar: It is difficult to speak with restraint on a motion like this supported as it has been by a Government representative. It is a sad irony of fate that at this particular moment we should be debating this elementary proposition. We are now supposed to be in conflict and correspondence with the South African Government for trying to put on its legislative Statute-book a measure denying to Indians there the elementary rights of Empire citizenship. As I said, it is a sad irony of fate, that we should be discussing this question as if it was open to discussion that an Indian citizen living under the same Central Government in one part of the country should be denied the rights of citizenship by that Government in another part. That Britishers should solemnly stand up here and defend this proposition amazes and astonishes me. Let my English friends understand a parallel situation. What will be the ire roused in Scotland, for instance, if London undertook legislation saying that if a Scotchman committed an offence in London he is not only to be punished with the ordinary punishment of imprisonment or fine, as the case may be, but that he should also be punished with the punishment of expulsion from England because he is a Scotchman. That is exactly the analogous position here. Just as Scotchmen in England are aliens, so Indians in Burma or any other of His Majesty's Indian subjects are aliens. Welshmen for instance. Are they to be treated in England in the way in which Indians are sought to be treated in Burma?

Pandit Shamlal Nehru: Will the Honourable Member tell us who made England?

Diwan Bahadur T. Rangachariar: I am not concerned whether anybody made England or not. They are His Majesty's subjects owing allegiance to one Government. This Bill stinks in my nostrils. What is the meaning of talking of domicile in one part of the country, all under one Government. You may then talk of district domicile. You may talk of provincial domiciles. Have I got my domicile in my Tanjore District or have I got my domicile in India? Is Burma part of India or not? (*An Honourable Member:* "No.") Who says "No"? (*An Honourable Member:* They say it.) I have my domicile in every inch of India. I cannot understand any lawyer permitting this piece of legislation to go in. I can speak of aliens having acquired domicile. Are we aliens in India? Has it come to that? Is that the trusteeship of the British Government? Is that the way they are discharging their duties here? I am ashamed to ask Britishers to protect Indian citizens in India itself. How can the Indian Government stand up to-day on the floor of this House and defend this measure and at the same time be cabling to the South African Government? I hope this debate will be communicated to the South African Government in full. South African Government representatives are up in the gallery I am sure. I hope, Sir, when the Government Member does rise to support this Act, the whole of his speech will be transmitted to South Africa. With what sense of justice, with what face, can you appeal to the South African Government not to pass their laws for their domestic control? If you stand up here and defend this Act, then why not confess that South Africa is justified in taking the measures she is taking. Are we sincere in our protests? If you allow this measure to be enacted, what will happen? My friends the Pathans are not welcome in Bombay, not the Afridis from across the border, but the Pathans who are subjects of

[Diwan Bahadur T. Rangachariar.]

His Majesty in British India. The Bombay Government can pass a Bill saying: "These people commit crimes in Bombay and we punish them, fine them, put them in jails and bind them over for good behaviour, but these steps are not enough: over and above we want the power to expel them from Bombay". If they were to say that I would be the first to protest. If you want the power of protecting your own province against your own citizens you have no business to send them out of it. It seems marvellous to me that a Government cannot only punish its subjects for the crimes they commit but add to the punishment in another shape simply because the offender does not happen to belong to the province. Why that course may very well be adopted by many a District Board or Local Board. I know across the border of my own district of Tanjore there are many criminal tribes in Bellary, and the District Board of Tanjore might very well ask for legislation by which a Bellarian who commits a crime in Tanjore should not only be given the usual punishment but should be expelled as well. That is racial discrimination. Sir, the Government which does that is an impotent Government. It does not deserve the name of Government if it cannot take care of its own subjects. I do not know whether this Act is directed against Indians or others, but it is aimed at the subjects of His Majesty, His Britannic Majesty, for whom I have the greatest respect and loyal love. Sir, if this piece of legislation is to be tolerated by that Government, I must take leave to say that I can no longer love that Government.

U. Tok Kyi (Burma: Non-European): Sir, I feel bound to say a few words on this Resolution for it is the direct outcome of the legislation in the province from which I come. Some time during last year two Bills were introduced into the Burma Legislative Council,—one is to impose a tax on passengers that come into Burma by sea and the other is the Bill now under discussion in this House. These two Bills have been described, and I think rightly described, as the Black Bills of Burma, as they have done grave injustice to Indians and have also outraged their self-respect. Of course there are some Indians who think that the Expulsion of Non-Burman Offenders Bill is not objectionable. (*An Honourable Member*: 'Black sheep.') Yes, there are black sheep everywhere, but I think every Indian with self-respect and with the right sentiments will object to it. Sir, I, as a humble public man, have condemned both these Bills publicly at two huge meetings. The first meeting was held soon after these two Black Bills were introduced into the local Council, and the second meeting was held soon after they were passed, but before the assent of the Governor General was given. But the resolution passed at the second meeting seemed to have no effect whatever on His Excellency the Viceroy so far as the Expulsion of non-Burman Offenders Bill was concerned. His Excellency the Governor General has withheld, and I think rightly withheld, his assent to the Burma Sea-Passengers Tax Bill.

Diwan Bahadur M. Ramachandra Rao (East Godavari and West Godavari cum Kistna: Non-Muhammadan Rural): May I ask the Honourable the Home Member, Sir, whether the information is correct?

The Honourable Sir Alexander Muddiman: That is not my information, Sir, but my Honourable friend may be in closer communication than I am.

U. Tok Kyi: Sir, I, as a humble man, am not initiated into the mysteries of the offices of the Government of India, but according to the public press I understood that His Excellency the Viceroy had withheld his assent to the Sea-Passengers Tax Bill or refused to give assent, but he had been pleased to give his assent to the Bill which is the subject of this Resolution. Sir, from what I know of these two Bills, I think they both of them are anti-Indian. It has certainly been admitted by the Government that one of the Bills was directed against the Indians especially. With your leave, Sir, I should like to read out a portion of the Statement of Objects and Reasons of the Bill:

“* * * the present Bill, which, if passed, will impose a tax on all adult persons entering Burma by sea with such saving provisions as will have the effect of broadly limiting the effect of the Bill so that it will be preventive of evasion of the payment of capitation-tax and *thathameda*-tax. The vast majority of these persons are temporary immigrants who arrive from India to take employment as labourers in Burma for a few months, when they return to India, taking with them substantial sums which they have saved from their earnings in this Province.”

From this extract it is quite clear that one of the two black Bills was aimed at the Indian. But in the case of the other Bill, that is, the Expulsion of Non-Burman Offenders Bill, the Government spokesman has denied that it was directed against the Indian. My Honourable friend Colonel Owens said that the Bill was aimed not only at Indians but also Europeans and other foreigners who live in Burma. Sir, whatever he might have said, I think both the Bills are directed against the Indian and Indian alone. For the other non-Burmans we have got the Foreigners Act of 1864 (III of 1864), and that Act has been used against other foreigners, especially Chinamen. Many Chinamen have been and are being deported from Burma. Unfortunately, this Act cannot be applied against Indians because they are British subjects. Therefore, the Government have invented a new measure so that they may use it against Indians in the same way as they use the Foreigners Act against Chinamen and other foreigners. Sir, if the Bill under consideration is meant for all foreigners as in the case of the two enactments mentioned in the “Statement of Objects and Reasons” of the Expulsion of Non-Burman Offenders Bill, I think no one could have raised any objection. Sir, let me quote a portion of the Statement of Objects and Reasons of the Expulsion Bill. It runs follows:

“There is a general demand that Burma should not be allowed to remain the happy hunting-ground of criminals from other parts of the British Empire and that the powers of removal already possessed in respect of persons twice convicted of the offence of begging in Rangoon (section 41B of Burma Act IV of 1899), of persons of European extraction convicted of certain offences under the Burma Suppression of Brothels Act (section 17 of Burma Act II of 1921) and of European vagrants should be extended so as to cover any non-Burman convicted of a serious criminal offence or bound over to be of good behaviour.”

Sir, if the Bill under consideration is meant for all the foreigners just as the two enactments for the Suppression of Beggary and the Suppression of Brothels—if the Expulsion Bill is really meant for all offenders as the two Acts I have just mentioned,—I shall be in a position to support it, but as it is the Bill has created racial distinctions and no man with a sense of duty to his fellow beings can give any support to it.

Sir, the Bill is a negation of justice to Indians and is based on principles entirely unsound and openly mischievous. The very fact that the two anti-Indian Bills were introduced about the same time in the Burma

[U. Tok Kyi.]

Legislative Council undoubtedly shows that there is an unworthy attempt to set up Burmans against Indians. To expel non-Burmans from Burma indeed! I am afraid the day will soon come when non-Bengalis will be expelled from Bengal! Non-Madrassis will be expelled from Madras! Non-Punjabis will be expelled from the Punjab! (*Several Honourable Members*: "Non-Biharis from Bihar! And a Meerut man from Delhi! Create more provinces.")

Sir, as I have said, the Bill is based on mischievous principles. It will be presumptuous on my part to go into the legal aspects of the Bill. Eminent lawyers, like my Honourable friends Sir Hari Singh Gour and Mr. Rangachariar, have gone fully into the legal aspects; but, Sir, the constitutional aspect of the Bill has presented some difficulty. As my Honourable friend U. Hla has pointed out, the Resolution before the House is certainly repugnant to the principles of provincial autonomy. My Honourable friend Lieutenant-Colonel Owens too has pointed out that this Bill was passed in the Burma Legislative Council by a large majority, 55 against 15. I think it is inadvisable,—nay, it is wrong, to interfere with the decision that has been arrived at by so large a majority in a Provincial Legislature. I have given days to this question, but eventually I asked myself: "What are you going to do in the case of anti-Asiatic Bills in South Africa that will soon be coming up before this House?" In half a second I could answer the question. Sir, I prize great principles of justice and liberty better than mere economical advantage and I think my duty is obvious. I will vote for the Resolution even if Burma be enjoying a provincial autonomy which she is not.

Before I sit down, Sir, I should like to join issue with Colonel Owens on one point. He said that this Bill was passed with the desire of the bulk of the Burmese people. I deny it with a full sense of responsibility. This Bill was passed by the first Legislative Council in Burma which, as everybody who takes an interest in Burma knows, was boycotted by the majority of the people, and we cannot say that it represents the wishes of the people of Burma. On the contrary, Sir, this Bill, together with the other Black Bill, has been condemned by U. Chit Hlaing whom I may not be wrong in describing as the Gandhi of Burma in respect of his influence over the mass of the people. He has publicly condemned the Bills. And another popular leader who is well known in India is the Rev. U. Ottama. Of course he is in jail now, but though he is in jail, he commands a great deal of influence still. I see Mr. Tonkinson laughing. He could not afford to laugh three years ago, but now he does! Though Rev. Ottama is still in jail, I am almost sure that he would never support the Bill; in fact he would have opposed it, as I am doing now. My Honourable friends close by are asking me to say something in reply to Rai Bahadur Naidu, but I want to leave him severely alone this time. Sir, I support the motion.

Dr. S. K. Datta (Nominated: Indian Christians): Sir, there must be some hiatus in our quasi-federal constitution which permitted a Bill of this kind to be introduced into a Provincial Legislative Council. I do not know whether this Bill on its own merits ought to have the opposition that it has had. I am ignorant of the problem which the Government of Burma is faced with. On the other hand, I am concerned with the very grave constitutional issues which, as far as I know, have not yet been touched upon. All modern constitutions, and particularly federal constitutions,

insist on equality of all citizens, it does not matter whether resident or domiciled, in whichever of the component States they might be. That is fundamental to a federal constitution. Now Sir, if you will permit me, I will ask the House to follow me while I refer to an Act passed by the New South Wales Legislature, which is one of the States of the Commonwealth of Australia. This Act was termed the Influx of Criminals Prevention Act of 1903. (N. S. W.). It laid down that:

"If any person other than a person who has been resident in New South Wales has been convicted in any other State of an offence for which in such State he was liable to suffer death or to be imprisoned for one year or longer and if before the lapse of 3 years after the termination of any imprisonment suffered by him in respect of any such offence such person comes into New South Wales he shall be guilty of an offence against this Act"

There is the case (a celebrated case) of John Benson, an inhabitant of the State of Victoria, who had been convicted in Victoria and proceeded to New South Wales. He was arrested under this Act and sentenced to imprisonment. He finally appealed to the High Court for the interpretation of the law, and here is the decision of the High Court of Australia: It was held by the High Court that:

"the conviction was bad on the ground that the power of the Parliament of a State to make laws for the exclusion of persons whom it thinks undesirable immigrants is limited to the making of laws for the promotion of public order, safety or morals and that the exclusion of a person convicted of such an offence as that of which the accused was convicted in Victoria was not within the power as so limited."

Mr. Justice Isaac, another of judges, held:

"As to section 92 (of the Australian Commonwealth Act) which is the only section I find it necessary to deal with, the applicant contends that the word 'intercourse' is unlimited, and refers to all transit of persons, and that the words 'absolutely free' are so large as not to be susceptible of reduction by exceptions."

Then he goes on to say:

"In my opinion the guarantee of inter-state freedom of transit and access for persons and property under section 92 is absolute—that is, it is an absolute prohibition on the Commonwealth and States alike, to regard State borders as in themselves possible barriers to intercourse between Australians."

That was the law laid down by the High Court of the Commonwealth of Australia. Not merely that I have taken the trouble to consult the constitution of the United States of America. I have also referred to the text of this constitution as quoted in Bryce's "American Commonwealth", as also the constitution of the State of Oklahoma. States are prohibited from embarking on differential legislation and that to my mind is a much greater issue than the particular issue raised on this particular Act. May I also point out further that if the Honourable the Home Member will give me the assurance that he will move through whatever authority there may be to bring about such a change in our constitution that the freedom of a subject and his equality in the law of British India is guaranteed, I for one will vote against this particular Resolution, provided he will give me a guarantee to ensure in our constitution that any Provincial legislation which differentiates between His Majesty's subjects in India will be void. As I said before, I am not sufficiently in touch with the circumstances which led to the passing of this Bill. I have not had enough of information one way or the other, but what concerns me is the constitutional issue, and I would ask, indeed I would urge upon this House, that if it does vote for this Resolution it may be with the higher purpose of obtaining

[Dr. S. K. Datta.]

a guarantee that no section of British Indian subjects within the Indian Empire may be differentiated against. I may say that the fear of the passage of this particular Bill is not inherent to the Bill itself. The fear is that this Bill might lead to further differential legislation and give sanction to the principle of differentiation and it is this issue I would bring to the notice of this House and of the Honourable the Home Member who represents the Government of India.

The Honourable Sir Alexander Muddiman: Sir, I think this is one of the most interesting debates I have ever listened to in this House, for the House is here debating both a practical problem and a constitutional issue. It is not often we have the advantage of obtaining the attention of this House to Burman affairs. In a long connection with the Legislature of this country I can hardly recollect any occasion on which Burma has taken up so much of the time of the House. We have further had the opportunity of hearing, I think, every Member who comes from Burma on the issue under consideration.

Now, Sir, I should like to bring the House back to what the Resolution actually asks for before I deal with certain other aspects of the case. The House asks the Governor General to either move the Secretary of State, and presumably through him His Majesty, to disallow the Act or to bring in legislation in this Legislature to repeal it. In other words this House proposes to sit in judgment on an Act passed by a local Legislature. Now that is a proposition to which I shall revert in a short time. It needs careful consideration, and I might point out to the House that it will have reactions of an important character. There is a big constitutional issue on that point.

I come to the further point, the merits of the Bill. I shall deal with that first. Now, I may say that, as my Honourable friend who has just sat down (Dr. Datta) frankly admitted, very few Members of this House can have the slightest idea of what the condition of affairs is in Burma and they are not in a position to form a judgment as to the necessity or the reverse of this Act. He admitted that very frankly and that is the position in which I think many other Members of the House will find themselves. But we have had the advantage of reading the debates in the Burma Council, and we have had the advantage fortunately of hearing every Member who comes from Burma, on the practical issue. Now, I notice that the Bill was introduced in the Burma Council by the Burma Home Member who is himself, I am informed, a Burman. Therefore, there can be no question of his not being fully convinced of the desirability, from his point of view at any rate, of the legislation. It was no case of the Home Member being a non-Indian which unfortunately afflicts the Government of India; it was a case of a son of the soil speaking on behalf of, and to the sons of, the soil. That is one point.

The next point is this. All the Members from Burma have spoken—and here I turn aside to congratulate Colonel Owens on his excellent and eloquent speech which to me was full of interest, the speech of a man who spoke obviously from his heart and with a full knowledge of the people for whom he was speaking. We have also had a speech from an Indian, who represents a Burman constituency in this House who was quite clear that as far as he was concerned he could see no objection to the Bill. We

have had the speeches of two Burman Members. They were divided in view; one was in favour of the Bill and the other was not. The other who was not, has, I understand, not been very fortunate in suffrages of his own countrymen. . . .

Mr. A. Rangaswami Iyengar: That is wrong; he has been returned to this Assembly twice.

The Honourable Sir Alexander Muddiman: I am told that it is wrong; I understood he was somewhat unfortunate in the local elections

Mr. A. Rangaswami Iyengar: That may be because of the boycott

The Honourable Sir Alexander Muddiman: Somewhat unfortunate in the local elections. Sir, I have endeavoured to examine the evidence which has been supplied to us by those who have acquaintance with the habits and customs and the interests of Burma; in so far as the Members who have spoken are Burmans or have Burman experience, the majority is clearly in favour of action such as has been taken. I do not here, Sir, propose to consider, nor is this a debate, I suggest to the House, in which we have to consider the provisions of the Bill in detail. Some of the speeches really suggested the thought that the House was itself taking a new Bill into consideration. Surely, I think there can be no one who imagines that an Act of this kind can be debated either usefully or properly in this Assembly at this stage. I quite see there may be points of constitutional importance which justify and require a debate in this House. I do suggest myself that we should not attempt to go through the details of the Bill,—I shall not certainly do it—nor do I think the House as a whole would wish that I should do it.

We then come to another aspect of the case, and that is the practical position. Here you have the fact that extraordinary measures have been taken in Burma, whether justified or not, against persons who are non-Burmans. Now the House must clearly understand that the problem of dealing with criminals who come from another part of the country at times is very difficult for the local authorities. The Bengal Members here will agree with me, and I should think that the Bombay Members would also agree, when I say that if you have persons who belong to a different race, who have different customs and habits and who have a different language and are forcible in their methods, they may involve the province which they invade in considerable trouble. I myself have seen, and my Honourable friend the Mover of the Resolution may recollect it, that a great deal of trouble was caused in a certain bazar on the banks of the Hooghly by certain persons who proceeded to collect debts in a somewhat forcible manner with what in those days were known as *lohabundis*. I am not at all prepared to subscribe to the proposition that special measures are not justifiable against persons who come from other provinces, whose language and habits are unknown to the local police and whose methods and forms of crime differ entirely from those adopted by the indigenous population.

The next point I wish to bring before this House is this. It has been found necessary to enact this legislation in other places, and that legislation has not attracted the unfavourable criticism which this legislation has. It has been found necessary in Bengal, and it is possible under the

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Goonda Act, in spite of what was said, to exclude from Calcutta a Bengali, and to exclude from the Presidency, a Bengali not born in Bengal. There is in fact in Calcutta

Mr. A. Rangaswami Iyengar: You cannot exclude a Burman under this Act from Burma.

The Honourable Sir Alexander Muddiman: There is in fact in Calcutta deportation not only outside the province but within the province. Why, have my Honourable friend, who comes forward with such enthusiasm to protect the Indian in Burma, and his people taken such precautions to protect themselves and their homes within the Presidency area in Bengal? I have no doubt that my Honourable friend thoroughly approves of it, at least he does not deny it. That is the case as regards the Goonda Act.

Now, there is a further difficulty in dealing with which I should like to meet my Honourable friend Diwan Bahadur Rangachariar. He said, "Good gracious, what a dreadful thing is this; how would you like Scotchmen who have been convicted to be sent back from England to Scotland?" Well, Sir, it would be a harsh thing to do for any man. I agree (Laughter). But the analogy is incomplete. I understand that most Scotchmen, at any rate, now-a-days speak English. Therefore, they are in a position to be dealt with by the local police far better than

Sir Hari Singh Gour: I am very sorry to interrupt the Honourable the Home Member, but may I point out that the police in Burma is mainly manned by Indians. Is the Honourable Member aware of that? Most of the police in Burma are Indians. Is he aware of that?

The Honourable Sir Alexander Muddiman: We shall be glad to have information from Sir Hari Singh Gour on any subject, but I have considerable reason to believe that it is incorrect. As I said, the analogy of Scotland and England is not complete.

Diwan Bahadur T. Rangachariar: It will break the Union.

The Honourable Sir Alexander Muddiman: I have not yet attempted to touch on the constitutional side. On the practical side I fail to see why any province should not take measures to deal with offenders of a particular class who are unusually difficult and unusually dangerous to be dealt with by the local police, and the time may yet come when the inhabitants of Madras city will be passing a Bill similar to that which we are now discussing.

Diwan Bahadur T. Rangachariar: I would cry "Shame on them".

The Honourable Sir Alexander Muddiman: The Honourable Member may cry shame for that matter on the Mover of this Resolution. He has had to do it in his own province.

Now, my Honourable friend Mr. Rangachariar raised a very dangerous ground, one which I myself consider a very serious ground. He said, "Good Heavens, if you do not absolutely recognise the appalling nature of this Burman legislation, you will be endangering our position with the South African Government". That, Sir, is a very important point

indeed. If it were really so we should have to proceed with great caution. I myself believe that it is not so. I believe there is no parallel between the two cases.

Diwan Bahadur T. Rangachariar: They will catch hold of this as an argument against us.

The Honourable Sir Alexander Muddiman: Mr. Bhore will say a few words to the House on this subject and as my own time is limited, I will leave that point for him to dispose of.

Now, we come to the constitutional issue. It is suggested, as I understand the argument, that the correct scope of the Provincial and Central Legislatures is such and is so conceived that this legislation, if enacted at all, should have been enacted in the Central Legislature

Mr. A. Rangaswami Iyengar: Quite so.

The Honourable Sir Alexander Muddiman: That is the first point. It is one of great interest. The House is well aware that a correct definition of the spheres of the Provincial Legislatures and the Central Legislature with the Provincial Governments and the Central Government is one of the most important steps that must be taken before any great advance can be made in the direction which is so dear to the hearts of many in this House. It therefore becomes necessary that we should scrutinise with some accuracy the arrangement which exists under the present constitution, and here I should like to make it quite clear that Dr Datta was apparently arguing on the analogy of the Australian constitution. There is no such analogy. You may have divided spheres of legislation in several ways. It is not for me at this moment to contend which is the best or the right one. It is sufficient for me to explain what the system at present adopted under our own system is

Dr. S. K. Datta: May I interrupt, Sir? I did not contend that there was any analogy. I held that in our constitution there was this grave omission.

The Honourable Sir Alexander Muddiman: Well, Sir, it may be so. The Honourable Member will perhaps permit me to proceed in my own way. The present arrangement is this. You may define the subjects which the Provincial Legislature may take up by Act or statutory enumeration or in any way you like, and you may leave the remainder to the Central Government. That is a method which, if pursued, leads to litigation to an extent which is almost intolerable. It nearly always results in the first point being taken on every appeal that the provincial Act was *ultra vires* of the constitution. You may also proceed as in India, whereby there are certain subjects where previous sanction is required. The previous sanction is not of the Governor General in Council, but it is the previous sanction of the Governor General.

Mr. A. Rangaswami Iyengar: That is the mischief.

The Honourable Sir Alexander Muddiman: That may be so, Sir, but that is not the point we are discussing at present. I am merely pointing out that that sanction, which is necessary for a Provincial Legislature to get seisin of a Bill such as this, was given. That sanction having been given, the Provincial Legislature proceeded to discuss the Bill and

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discussed it under circumstances which are far more favourable to the consideration of its details than can possibly be the case in this House. They discussed it at great length. They enacted it by a considerable majority. And now I should like to refer the House to a document that is often quoted—I refer to the report of the Joint Select Committee in which they laid down that in provincial matters which are reserved where the Provincial Government and Legislature are in agreement they should ordinarily be allowed to prevail. Whether that is or that is not a complete and exhaustive statement of the constitutional relation I am not prepared to say, but it is, at any rate, an authoritative pronouncement which merits attention. I do not place it higher than that. Therefore, I say that it would have been an extremely strong step for any authority having before it a Bill of the provincial Council duly enacted, duly assented to by the executive Government and by the executive authority who is empowered to give final assent in India to interfere. This Resolution in effect asks us to revise the deliberate judgment of a provincial Legislature on a provincial subject after the sanction required by the law had been duly obtained, and therefore, both on the merits and the constitutional position, I trust the House will consider very carefully before it passes judgment on this very important Resolution.

Mr. A. Rangaswami Iyengar: May I know whether, in regard to this previous sanction given by the Governor General under the previous sanction rules, the Government of India have not had instructions generally issued to Provincial Governments as to the manner in which previous sanction should be obtained in respect of laws which have got to be previously sanctioned by the Governor General, and whether these instructions were followed in this case?

The Honourable Sir Alexander Muddiman: I do not know what the Honourable Member wants. I have not the faintest idea of contending that the sanction required by the previous sanction rules is not the sanction of the Governor General. If he is inquiring of the procedure, the sanction required under the previous sanction rules is the sanction of the Governor General

Mr. A. Rangaswami Iyengar: I want to know whether there are any set of instructions issued by the Government of India to the Local Governments in regard to obtaining this previous sanction.

The Honourable Sir Alexander Muddiman: My Honourable friend behind me is more familiar with these details and if he is in possession of them he will be able to supply the answer. I was endeavouring to point out to the House that while I in no way attempt to defend the individual provisions of this Bill,—that is no part of my business and I suggest it is no part of the business of this House to consider them—I assert that on the merits there is nothing unreasonable or improper in a Provincial Legislature in taking action against criminals coming from other provinces where special conditions exist. I cannot admit that that is in any way an infringement of the ordinary right of free movement which I agree with Dr. Datta should exist between provinces under one Central Government. I do not admit that there is any infringement in this case. I contend that constitutionally this House would be wrong, it would be taking a very dangerous step if it

attempted by its verdict on this Resolution to indicate that it is prepared to revise an Act of a Provincial Legislature which has been passed by a large majority in that Provincial Legislature. On these grounds I am afraid I must, though reluctantly, oppose this Resolution.

Mr. O. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): I only want to ask the Honourable Member one question

Mr. President: Is the Honourable Member (Sir Alexander Muddiman) prepared to answer a question?

The Honourable Sir Alexander Muddiman: I am not prepared to answer a question. If the Honourable Member is prepared to make a speech, I am quite prepared to deal with it in my reply as far as I can.

Mr. Bipin Chandra Pal (Calcutta. Non-Muhammadan Urban): I desire to say just a very few words. The first thing that strikes me is this, that whatever may be the exact constitutional position of this House, this House has no justification as a Central Legislature representing the whole of India and all the provinces unless it is fit to intervene in quarrels between one province and another or between one province and the rest of the Indian Empire. And the issue here is really between the Government of Burma—

5 P.M. I will not say the people of Burma because that may be or may not be true—but the issue here is between the Government of Burma on one side and the people of India on the other. Mr. Rangachariar has drawn attention to the analogy of South Africa. That struck me also. If we are excluded for whatever reasons it may be from one Indian province by the local Legislature on the strength of its right of provincial autonomy which was advanced by my friend there, I do not see how we can oppose justly and reasonably the action of the South African Government. That is one point.

In the next place, Sir, what I find is this. I have read this law with some care and I find that it is a very wide law. Reference has been made to the Goonda Act in Calcutta. Now the provisions of the Goonda Act are not so wide as this Burma Act. The *goonda* is defined there. He is defined as a hooligan and a rough. That is one thing but here the undesirable Indian is not defined at all except that he has committed an offence and has been punished under a number of sections of the Indian Penal Code. One of these sections is 124A. Now, if I went to Burma and made a speech which was considered by the Local Government as coming within the purview of section 124A—and we know, Sir, the great latitude that has been given to the interpretation of this section by Indian courts—and that section applied to me, I commit an offence. I deliver a speech and I am convicted of sedition, and I am classed as those who have made Burma the happy hunting ground of their criminal activity. Now that is one thing. There are several other things also. I will not trouble you with my own opinion which may be partial. I will quote to you the interpretation which was given by the representative of the Burman European community to the provisions of this Act. If you will kindly bear with me for a few minutes, I will tell you what he thought of this Act. Mr. d'Granville says:

"When I read the Statement of Objects and Reasons attached to this Bill, I was very pleased indeed. When I looked at the Bill itself I find that persons convicted of the most trivial offences may be deported provided they are non-Burmans."

[Mr. Bipin Chandra Pal.]

That is not my opinion. It is the opinion of the representative of the Europeans in Burma. He goes on to say:

"The Statement of Objects and Reasons talks of vagrancy. It talks of serious criminal offences. Yet, the Bill itself extends to such petty things as insults. A man calls another a liar. That is an insult likely to cause a breach of the peace and if he is a non-Burman on conviction by a first class magistrate he can be fined Rs. 5 or he can get two years and incidentally he may be called upon to show cause why he should not be deported."

Mr. H. Tonkinson: May I point out that my Honourable friend is reading from Mr. d'Granville's speech on the motion for introduction. That speech was dealing with the Bill as introduced. My friend, Mr. d'Granville, was not dealing with the Act as passed.

Mr. Bipin Chandra Pal: Now the Act as amended contains these Schedules

The First Schedule:

"Any offence punishable under any of the following sections of the Indian Penal Code, namely:

sections 121, 121A, 122, 123, 124, 131, 131A . . . "

and so on;

"any offence punishable under any other law with death, transportation or imprisonment for 7 years or upwards; abetment of any of these offences, etc."

The Second Schedule:

"Any offence punishable under any of the following sections of the Indian Penal Code:

124-A . . . "

with which we are all more or less familiar:

"153-A, 215 . . . "

I do not know what that is, and there are other sections of the Indian Penal Code. Now, we have to look into all these sections to understand the wide scope of this measure, and in view of that I think, Sir, this measure ought to be opposed by this House and the Government ought to be asked to intervene to protect the people of India who go to Burma for their livelihood or for other purposes against this insult. I could well understand the case of a habitual criminal, but it is not said that only habitual criminals will be brought under the operation of this Act, and any one who commits an offence which is liable to be punished with two years or who commits an offence under these sections can be hauled up and sent out of Burma as a habitual criminal.

One word more, Sir, with regard to the Goonda Act. The Goonda Act applies only to Calcutta and its suburbs. It has no application outside Calcutta and you ought to remember the cosmopolitan character of Calcutta in considering the merits or demerits of the Goonda Act. If such an Act had been passed in Rangoon, for instance, I might well understand, because people of all kinds, good, bad and indifferent, congregate in a capital city and you can understand the complications of the criminal section of a population in a big capital and cosmopolitan city like Rangoon or Calcutta. But what justifies this kind of legislation in Calcutta or Rangoon or Bombay does not justify it in a big province like Burma, urban and suburban. For these reasons, Sir, I lend my hearty support to the Resolution of my friend Mr. Amar Nath Dutt.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I have been waiting with all the patience that I could command to listen to the Honourable the Home Member upon this Resolution and my patience has at last been rewarded. But I must confess to a sense of disappointment at his reasoning when I heard him. The way in which he dealt with the question would no doubt do credit even to a man of my profession, but the case was so hopelessly bad that he could not even preserve the semblance of a plausible argument in support of it. My Honourable friend divided the question before the House into two parts. One related to the merits and the other to the constitutional issue involved. He first took up the question on the merits and I must here admire the way in which he dealt with it. He said, "I am now going into the merits", and he ended by saying that it is not for this House to go into the merits of the Bill at all because he said we were not sitting in judgment over a provincial Council, and that it was the business of the provincial Council alone to go into the merits

The Honourable Sir Alexander Muddiman: The details.

Pandit Motilal Nehru: The details, if you like. You say that it is the business of the provincial Council and that we are not concerned with them. Well, Sir, when we are attacking a legislative measure as a most atrocious one, as I have not the least hesitation in calling it, we cannot justify ourselves unless we point out to the House the grounds upon which our charge rests. It is impossible to do so until you examine some of the leading provisions of the Act. Therefore, I submit that we are perfectly within our rights in criticising the various sections of the Act to show that it is a measure which will be a disgrace to any civilised Government. Let us now consider the arguments on the merits which have been advanced. The first is "Oh, let us not meddle with this Act; we are entirely ignorant of the conditions in Burma; we do not know what the Burmese Government, I mean the Government of Burma—I wish I could call it the Burmese Government,—we do not know what dangers this Government of Burma, such as it is, is confronted with." My answer is let it be confronted with all the dangers in the world; there can be no justification whatever to pass such a lawless law as this is. We have to examine the law on the merits and if human ingenuity and legal acumen have failed in other parts of the world to discover a remedy except expulsion in cases like this, we are not ready to credit the Government of Burma with having made a new discovery in the art and science of legislation. What is the next point? My Honourable friend says the Bill was introduced by the Home Member who was himself a Burman. Now, without any disrespect to my Honourable friend, I suppose it is rather late in the day for him to doubt that we consider Home Members with mixed feelings. Whether he is in Burma or in Delhi, and whether he is an Indian or not does not matter in the least. The third argument on the merits was that the three Burma Members in this House have spoken, out of whom two have opposed the Resolution and the third supported it. The Honourable the Home Member doubts the representative character of one who has supported it. Now, Sir, I call your attention to that argument and I put it not only to the House but to you also, whether it is at all constitutional to challenge the representative character of one Member by another Member of the House. I consider it is contrary to the etiquette

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of any house of representatives. However, there he is, elected by his constituency and he has as much right to speak as any other elected member which right, I submit, stands on a superior footing to that of any of those who occupy and grace the Government Benches. Then, my Honourable friend said "Well, it is a special measure against outsiders" and he met the argument of my Honourable friend Diwan Bahadur Rangachariar on the ground that there was no analogy really between the case of a Scotchman in London and an Indian in Burma, because he presumed that the Scotchman probably knew English. Well, Sir, if ignorance of the language disqualifies a person from entering that country or remaining in it

The Honourable Sir Alexander Muddiman: I must interrupt the Honourable Member. I did not suggest that ignorance of the language disqualifies a man from entering the country. I said it might create more difficulties in dealing with crimes by the indigenous police. That is my argument.

Pandit Motilal Nehru: Do I understand the Honourable the Home Member to mean that crime which consists of acts has a language of its own? I can understand him if I take his remark with the observations of my friend Mr. Bipin Chandra Pal. There indeed language is of the greatest consideration. Is it the aim and object of the Bill—or one of the aims and objects of the Bill—to get hold of people in Burma and those who go from this country to Burma to educate the Burmans in their political rights and expel them from the country if they address them in a language which the Burmans understand all right but perhaps the officials there do not. Sir, I submit that there can be no reasonable ground to put ignorance of the language of the country as a crime over and above the actual criminal act.

The last argument was: Look at the Goonda Act? This is not the first Act of the kind. Now, Sir, it is not for me to defend the Goonda Act. My answer is a short one. I say that two wrongs do not make one right. If the Goonda Act is wrong and if any Member from Bengal will bring it before this House in the proper manner, I hope this House will be very glad to go into it. But, as a matter of fact, I see nothing in the Goonda Act which is analogous to the Burma Act which we are considering. The Goonda is defined to include a hooligan or a rough. I see no mention of a Bengali or of a non-Bengali or of any race in the definition.

Mr. H. Tonkinson: See section 6, clause (b).

Pandit Motilal Nehru: That has nothing to do with his being or not being a *goonda*. In certain cases a certain special procedure is adopted instead of sending the man out of the province. That section has no bearing at all.

Now, Sir, my short answer is that two wrongs do not make one right. Besides, I see that there is absolutely no racial distinction except perhaps in the manner of treatment as to where the man is to be sent after he is found to be a *goonda*. I am not concerned with that. The Bill was passed by the Bengal Legislative Council and it is a good law so far as the area to which it applies is concerned.

Now, Sir, let us see what the real merits of the question are. These are all the arguments that have been advanced by the Honourable the Home Member on the merits. But when I go into the merits, I must look into the provisions of the Act itself. And what do I find there? The very first provision that stares me in the face is the definition of a non-Burman, which is as follows:

"A non-Burman means any person neither of whose parents is or was a member of the race indigenous to Burma and who, in addition, is not himself domiciled in Burma."

Here we have a definition of a non-Burman which includes a Burman because a non-Burman is a man who is not only a non-Burman but being a non-Burman has also not acquired a domicile in Burma. Well that, as has been pointed out by my friend, Mr. Rangachariar, is a new invention or new discovery in the law of domicile. If a man has acquired a domicile in Burma he is not for the purposes of this Act a Burman. He must also be the son of a Burman father or mother, one of the parents must be a Burman otherwise he is a non-Burman. It says:

"any person neither of whose parents is or was a member of a race indigenous to Burma, and who in addition is not himself domiciled in Burma."

that is to say that the two conditions must co-exist that he must be a person who is not born of Burman parents and must not in addition have acquired a Burman domicile, that is to say if he has acquired a Burman domicile it is not enough. He must also be the issue of a Burman. However, Sir, let us read this in the light of my Honourable friend Mr. Rangachariar's illustration of Scotland and England. I shall read the section substituting Englishman for Burman:

"A non-Englishman is any person neither of whose parents is or was a member of a race indigenous to England, and who in addition is not himself domiciled in England."

I should like a definition like that to be put before any English lawyer and have his opinion on it. (*Some Honourable Members*: "And a Scotch lawyer. What about the Scotch Home Member?")

Now, Sir, the real difficulty in this is, as has been pointed out by previous speakers, that this is an inter-provincial Bill which the Legislature of one province has taken upon itself to pass. This I say in answer to the remarks made by my learned friend on the constitutional issue. I say that the mere fact that in dealing with certain matters it is necessary for a provincial Legislature first to obtain the sanction of the Governor General and then deal with certain matters does not invest that Legislature with any finality about the law it may enact. The Central Legislature is not deprived of its authority and the fact that the Governor General has given assent cannot, if I may use the language of lawyers, operate as an estoppel against us to consider whether it was a right decision or not. That being so, I say there is no bar to our coming to a decision on this question at all. What does this legislation amount to, what is the sum total of it? It is simply this. There are certain offences made punishable by the Indian Penal Code. There are certain punishment provided for those offences. The Burma Legislature says, "Quite true those are offences punishable by the Indian Penal Code and the Indian Penal Code provides punishments, but we in Burma will impose further punishments on such persons as may incur our displeasure, as may come within a certain artificial definition which we are

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giving." What is expulsion but an additional punishment? And I say that it is really an amendment of the Penal Code by introducing an enhanced punishment for certain offences for which there is absolutely no warrant in the Penal Code itself. Now, Sir, when the analogy of South Africa was given by my friend Mr. Rangachariar, my friend the Home Member took a very serious view of it and he was quite right in doing so. It is really a very serious matter. But no amount of disassociation of Government from this analogy will save them. I say there is no getting out of it. You who profess much righteous indignation at the treatment which the South African Union Government proposes to accord to us, you who profess so much sympathy with us, you who claim to have as strong feelings as ours on the subject and assure us that you are fighting our battles in South Africa, what answer have you to the charge that you, in your own jurisdiction, in the territories administered by yourself are doing something which is not worse than what the South African Government is doing

The Honourable Sir Alexander Muddiman: Not worse? .

Pandit Motilal Nehru: I say not worse; it is equally bad.

Colonel Sir Henry Stanyon (United Provinces: European): The African Indians are not criminals.

Pandit Motilal Nehru: You say here, " We are dealing only with criminals, the South African Government is dealing with all Asiatics, " but no one at this late hour of the day will be satisfied by being told you are dealing only with offenders. That is the stock argument of the bureaucracy; why are you afraid of the Ordinance, surely the Ordinance is not intended for any but those who are guilty, or those who are dangerous to society? And yet we know, and have had the sad experience of knowing, most of us personally that it has been resorted to in the case of persons whom the whole country believes to be as honest as any one else. However that is no answer to the charge. The criminal too as a criminal, Sir, has certain rights and the law is as jealous of protecting criminals as innocent persons. You have no right to treat a criminal as a worse criminal than he really is, and when you do so you are simply extending the criminal law of the land to an extent for which you have no warrant. Now the real fact is that we in this House, at least I personally, look upon this legislation by the Legislative Council of Burma as merely the thin end of the wedge. We do not know what is coming next, but I feel that there is something which is coming next and we must nip this mischief in the bud. Sir, one is now tired of speaking of disabilities within the Empire, and now we have been supplied with a new topic, disabilities within British India and Burma. I do not think that the language used by my friend Mr. Rangachariar was a bit too strong for the occasion. The most peculiar argument that has been addressed to us is: you who are claiming provincial autonomy; is that the way that you would give provincial autonomy to your provinces when you are going to interfere with their legislation in this manner? That argument, Sir, I say adds injury to insult. You have a thousand arguments for withholding provincial autonomy. When it comes to our questioning the jurisdiction of a provincial Legislature, you say that because we claim provincial autonomy we must accept provincial legislation as if it had autonomy. Why? Because it has passed a law which has received the assent of His Excellency the Governor General. That is the whole argument. I need not deal with the arguments of the Honourable Members from Burma. My

friend Mr. Tok Kyi has shown that there is nothing in the assertion that the Burmans voted for the measure and that it was only non-Burmans who voted against it. We know the reason for that. It is common knowledge how the Councils were constituted at the time.

Now, Sir, I do not wish to take up the time of this House any more. I will simply ask the House, I will appeal to all Members, Indian as well as European, to vote solidly in support of the Resolution. This law which is sought to be upheld by the reasoning advanced here to-day is nothing short of a monstrosity.

***Mr. M. A. Jinnah:** Sir, I listened to the speech of the Honourable the Home Member on behalf of Government when he entered into this constitutional question. He said that according to our present Act what was done, according to him, was perfectly authorised; and I see, Sir, that the previous sanction of the Governor General was obtained under sub-section (3) of section 80A of the Government of India Act. Well, Sir, I do not wish now to discuss this constitutional question; but if Honourable Members will look at the section it is extremely doubtful whether such a sanction can be given, or even if it can be said with authority that it is valid for this reason. The Honourable Member said that the Provincial Government is within its rights to legislate so far as the provincial Legislature is concerned, but in this particular case it will be admitted that this legislation goes outside the province inasmuch as it affects every British Indian throughout India and every British Indian comes under this Act which has been passed by the Burma Legislature. Now, Sir, that undoubtedly is a central subject and I personally feel very grave doubts whether sanction can be given under the provisions of sub-section (3) of section 80A. I have tried carefully to consider the matter as far as I can, and I do not find under what sub-clause of sub-section (3) such a sanction can be given. But, I will assume for the purpose of my argument that I am wrong. Sir, does it lie in the mouth of the Honourable the Home Member, speaking on behalf of the Government of India, to say that although the local Legislature would not have undertaken this piece of legislation without previous sanction, that although the Governor General was pleased to give his previous sanction, he did so without consulting the Government of India? Did the Government of India examine the case? Did the Government go into the justification before they gave the sanction, because without previous sanction the Burma Provincial Council could not have enacted this law. Did you consider all that? I suppose you did. I take it as a responsible government you did. Now, Sir, what is the ground that is put forward? It is this. It is stated in the Statement of Objects and Reasons which was quoted by the Honourable Member from Burma. The only ground put forward, as far as I can see, is this:

"On the other hand there is a general demand that Burma should not be allowed to remain a happy hunting ground for criminals from other parts of the British Empire and that the powers of removal already possessed in respect of persons twice convicted of the offences of begging and so on should be extended."

Now, Sir, that is the very reason why I asked the Honourable Member who spoke on behalf of the Burma Government this question: "You say that this is intended for the purpose of curing that danger, namely, that Burma is made a happy hunting ground by criminals from India. Will you tell

*Speech not corrected by the Honourable Member,

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me how many men, how many Indians were convicted by the courts in Burma for any of the offences which are specified in the Schedule to this Act?" The Honourable Member thought he was very clever, being in the company of the Government of India and sitting there, in giving the answer that he wanted previous notice.

The Honourable Sir Alexander Muddiman: Surely my Honourable friend does not expect an answer to be given to that sort of question without previous notice.

Mr. M. A. Jinnah: I do, Sir.

The Honourable Sir Alexander Muddiman: The Honourable Member is extraordinarily hopeful, that is all that I can say.

Mr. M. A. Jinnah: It is all very well for the Honourable the Home Member to crack jokes. It will not do. I maintain here that you gave the previous sanction and without that previous sanction the Burma provincial Council could not have undertaken this legislation.

The Honourable Sir Alexander Muddiman: If the Honourable Member will permit me to interrupt him, which I dislike exceedingly to do, I would point out that I did not give the previous sanction; it is not in my power to give it. On the second point I should like to point out that if the Honourable Member had asked me for those figures I would have tried to obtain them; but it is not reasonable to expect me to carry them in my head.

U. Tok Kyi: I can give the figures: about five per cent. of the convicts are Muhammadans and six per cent. are Hindus: that is among the convict population in Burma.

Mr. M. A. Jinnah: Sir, I am much obliged to the Honourable Member; but my quarrel is with the Government of India. I do not wish the Government of India to run away from this debate on the floor of this House. The Honourable the Home Member tried first to say "Oh, but the Government of India do not give sanction. It is only the Governor General." We all know that. I have known that now ever since the Act of 1919 was passed. But the second proposition is this: was the Government of India consulted? Did you examine this case? Was it not incumbent upon you to do so? You are handing over the power by this previous sanction to the provincial Legislature to do what? To enact a law which not only affects a province but the whole of India. Did you have any materials before you, and what materials were there before you? My Honourable friend the Home Member says "Oh, but you had not asked for it." We have brought this Resolution. We say that you had no business to allow this law to be passed. You ought not to have given previous sanction. Now you justify it. Will you then satisfy us on what materials you gave previous sanction? Nothing. You have not got anything at all. Very well. Then what do we get to? We get to this, Sir. It is suggested on this side that your whole object was not to deal with cases of habitual criminals, it was not intended to deal with criminals; but it is suggested, and not without some reasons and grounds, that your intention was to hold the sword of Damocles over those men whom you thought to be undesirable in the political world of Burma. And, Sir, you have got section 124A included. You have got section 158A included. What are they intended for? For habitual offenders? Are the

men who make Burma their happy hunting ground to be called criminals and are they to come under sections 124A and 153A? Why have you included those sections? Sir, this law is a most dangerous law for any man who wants to carry on his public and political life in Burma. What will happen? I put it to this House, what will happen? Supposing there was a man carrying on his business or profession as a doctor, as a lawyer, as an engineer or as a merchant, and if he happened to make a speech and if it happened to fall under the terms of section 124A, he is convicted; although he has been there carrying on his business lawfully and peacefully; but if he happens to make a foolish political speech which brings him under the terms of section 124A, would he or would he not be expelled under this law? I see Mr. Tonkinson shakes his head; he has not understood. . . .

Mr. H. Tonkinson: May I explain, Sir? A single conviction under section 124-A, does not make him liable to be expelled.

Mr. M. A. Jinnah: I never said a single conviction. Supposing a man makes two such speeches, he will be expelled from Burma. . . .

Mr. H. Tonkinson: He is liable to be expelled.

Mr. M. A. Jinnah: The Honourable Member admits that if the man makes two such speeches he will be liable to be expelled from Burma. I dare say you would like to expel him even if he made only one speech. I admit that you have given him two chances, but my point still remains. The District Magistrate will report and the Local Government will say to a man that he has made two speeches which are objectionable and he must suffer for them. The District Magistrate may say: "You have been a lawful citizen, you have been carrying on your business for 15 years; it does not matter. You are a criminal, you are a habitual offender; you want this place to be a happy hunting ground, and I will not allow you." I say, Sir, the merits of the Act are obvious.

Now, Sir, the Government first of all gave their previous sanction. The Government have put forward no materials to make out a case as stated in the Statement of Objects and Reasons. But we go further and ask, why did you give your assent? Again, it was said that the Governor General gave his assent and the Honourable the Home Member had nothing whatever to do with it, he never knew anything about it.

The Honourable Sir Alexander Muddiman: Of course he did, but he did not give the assent.

Mr. M. A. Jinnah: By "you" I mean the Government of India. The Government of India knew perfectly well, they must have had sufficient materials before them. Did you not see what opposition there was to this Bill? What materials had you? Why did you not then advise the Governor General not to give his assent? If you did not so advise him, you failed in your duty. I ask now what right had you to give the assent? I say I dispute the soundness of the assent being given by the Governor General. Am I not entitled to appeal to a higher authority under the constitution? Even the Governor General is not the last word under the Government of India Act. We in this House stand on the floor of this House, and we say: "Never mind, the Governor General was wrong in giving his previous sanction. The Government of India failed in their duty in not advising the Governor General properly." We appeal now to the highest tribunal that this Act should be disallowed. That is our case

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and I am sure that my European friends also will realise that this is a most dangerous Statute in principle, and in its provisions and I ask them not to support the Government. The Honourable the Home Member said that the Home Member in Burma agreed with this principle and that he was a son of the soil. But we know what Home Members are. (Laughter.) They have no individual opinion . . .

Mr. B. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammādan Rural): They have no home. . .

Mr. M. A. Jinnah: They have no individual conscience. What is the good? I am often very sorry for my friend the Honourable the Home Member. But he represents the Government. What can he do? He has got to carry on. So, Sir, this argument is of no use and I hope that every one will really vote in favour of this Resolution. We do appeal to the highest authority even now to disallow this Act.

I will only say one word, Sir, before I sit down. I see the distinction between this measure and the situation in South Africa. I will not put both on the same footing. There is a very great difference between the two. Here, the case that is sought to be made against us on the merits is on the ground that Burma is infested with criminals. That is a very different thing altogether. Burma forms an integral part of India. The South African question, I agree, stands on a very different footing altogether and I would rather not drag that into the issue with which we are concerned this evening.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 10th February, 1926

